

Fresno Police Department



POLICY MANUAL

With updates through 08/09/2016

Law Enforcement Authority

100.1 POLICY

Law enforcement officers are granted "functional" authority based on State law, as such, this Department will not tolerate abuse of that authority.

PURPOSE AND SCOPE

The Chief of Police and his/her employees, on his/her authorization, are empowered to enforce, and are charged with the duty of enforcing the laws and ordinances of the City of Fresno and State of California.

100.2 PEACE OFFICER POWERS

Sworn members of this Department are peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California.

100.3 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

Department Role in the Criminal Justice System

101.1 POLICY

The Department provides primary law enforcement services to the City of Fresno.

PURPOSE AND SCOPE

The Chief of Police and management staff shall develop and establish guiding principles for the Department. These principles shall take the form of mission statements, value statements and other written directives which determine the operational philosophies of the Department. These guiding principles shall be reviewed annually to ensure they accurately reflect the needs of the community.

101.2 PRIMARY ROLE IN THE CRIMINAL JUSTICE SYSTEM

Services provided include, but are not limited to, emergency responses to crimes in progress, conducting investigations, enforcement of local, state, and federal laws, required documentation, required records maintenance, court room testimony, property/evidence storage and handling, and effective administration to coordinate and manage these services

101.3 COOPERATION WITH OTHER AGENCIES

The criminal justice system relies upon the cooperation of this Department with other law enforcement agencies, prosecutors, courts and correctional officers to ensure the development of a safer community. When possible, members will fully cooperate with outside agencies to allow for the greatest level of service to the community.

To foster this cooperation, the Department will establish a close working relationship with professional organizations directly involved with the planning of responses to crime in the community. Programs such as the Prostitution Abatement Program, Life Skills, Crisis Intervention Training, and CARE Fresno are examples of public and private collaborations that address social issues as they relate to law enforcement responses and needs within the community.

101.4 COMMUNITY ORIENTED POLICING COMMUNICATION

The Fresno Police Department is dedicated to the philosophy of Community Oriented Policing. The Department is comprised of members of our community and is enriched by the diversity of personnel who dedicate themselves to the Department mission.

In order to help integrate the Community Oriented Policing strategy into our operations, open communication is encouraged and should be fostered by all members. In order to assure that concerns raised by members of our community are taken seriously and handled appropriately, every member of the Department is responsible to listen, understand and communicate concerns to their immediate supervisor. Those issues which can be solved by the member should be handled appropriately. Department members are also an integral part of the community policing strategy. When a Department member observes activity or situations that affect quality of life they are encouraged to immediately report the information to the appropriate district or bureau.

Fresno Police Department

Policy Manual

Department Role in the Criminal Justice System

Issues that affect quality of life should be reported through the chain of command in written memorandum, police reports or Email. These issues shall be reported to the Chief of Police on a weekly basis in staff meetings. Strategies to solve the problems are to be discussed with staff members and action plans put in place to address the problems. Each week, follow up questions are presented by the Chief to track progress. These remarks shall be recorded into the meeting minutes to provide a written record and to facilitate tracking of the issue.

Four things to be recorded by the bureau secretary are, at a minimum:

- (a) A description of current concerns voiced by the community;*
- (b) A description of potential problems that have a bearing on law enforcement activities within the community;*
- (c) A statement of recommended actions that address previously identified concerns and problems; and*
- (d) A statement of progress made toward addressing previously identified concerns and problems.*

Fresno Police Department Policy Manual
Chief Executive Officer

102.1 POLICY

The Department will use a structured chain of command for communication and direction of all members.

PURPOSE AND SCOPE

Each level of supervision will carry commensurate responsibility and authority. Every member will be held accountable for their use of delegated authority. Each member will be responsible to only one supervisor at any time.

102.2 CHIEF OF POLICE REQUIREMENTS

The Chief of Police must, on appointment, have completed or shall, within two years of appointment, complete a course of training prescribed by California Commission on Peace Officer Standards and Training (POST) and obtain the Basic Certificate by POST within two years of appointment.

102.3 CERTIFICATION

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California receive certification by POST within prescribed time periods.

102.4 RESPONSIBILITIES

The Chief of Police is responsible for the day-to-day operations of the Department including administration, coordination and delivery of all law enforcement services provided by this Department to the community. The Chief of Police is also responsible for the fiscal operations of the Department including the annual budget.

102.4.1 ABSENCE OR INFIRMITY

In the absence or infirmity of the Chief of Police, the Chief will delegate the Assistant Chief (or a Deputy Chief) command responsibility and authority for the Police Department.

In exceptional circumstances where the Chief is unable to conduct the business of the Department, and has not delegated overall command responsibilities, the Assistant Chief will assume command followed by the *Professional Standards* Division Commander, the Patrol Division Commander, the Support Division Commander, and the Investigative Services Division Commander.

102.5 CHAIN OF COMMAND

The Department will use a structured chain of command for communication and direction of all members.

Each level of supervision will carry commensurate responsibility and authority. Every member will be held accountable for their use of delegated authority.

Each member will be responsible to only one supervisor at any time.

102.6 RANK AUTHORITY

Orders, business, and operations of the Department that concern enforcement and/or emergency operations shall function through the following hierarchy of rank, listed from highest to lowest:

- (a) Chief of Police
- (b) Assistant Chief
- (c) Deputy Chief of Police

- (d) Captain
- (e) Lieutenant
- (f) Sergeant
- (g) Specialist/PTO
- (h) Officer
- (i) Community Service Officer (CSO)
- (j) Cadet II
- (k) Cadet I

Under normal day-to-day operations, the highest ranking member on scene may exercise command over an incident.

102.6.1 EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances a higher ranking member may delegate specific authority to a subordinate based on the skills or expertise of that member. In these situations, the higher ranking member will retain overall command of the incident but may delegate tactical, investigative, or other functional control of an incident.

Where different departmental functions are engaged in a single operation, the highest ranking member for each function will retain operational control over that function, however overall incident command will be retained by the highest ranking member on scene.

102.7 DELEGATING AUTHORITY

There may be circumstances when a member of lower rank is delegated authority for a situation based on expertise, training, or experience. In these situations a supervisor will delegate the authority to accomplish the task. Any subsequent orders given by the person receiving the delegation will be treated as if the superior officer had given the order.

102.8 CONFLICTING ORDERS

When a member receives an order that is in conflict with a previously issued order, the member will follow the guidelines listed below.

102.8.1 WRITTEN ORDERS IN CONFLICT

Any time written orders or other Department documents are in conflict, the order of highest authority shall be followed. Members who discover a conflict shall advise the issuing authority of the conflict, who shall then take immediate steps to resolve the issue. When written orders of the same authority are in conflict, the most recent order shall be followed, and the issuing authority shall be advised.

102.8.2 WRITTEN-VERBAL / VERBAL-VERBAL CONFLICTS

When any member receives a verbal order from a superior that conflicts with a written or verbal order of another superior, the member shall immediately advise the superior giving the conflicting order of the conflict. When the superior still wishes the order carried out, the member shall do so, and shall suffer no disciplinary action for doing so. The superior issuing the conflicting order shall contact the issuing authority of the other order as soon as possible to reconcile the conflict.

102.8.3 ORDERS IN CONFLICT WITH LAW

When a member receives a written or verbal order that conflicts with the law, the order shall not be obeyed, for which disobedience the member shall not be subject to disciplinary action. Members shall not be excused for violating the law because they were acting under the orders of a superior. Members receiving orders in violation of law shall immediately advise the issuing superior of the conflict, and that the order will not be carried out. Superiors issuing unlawful orders shall immediately rescind them and fully report the incident to their own superior.

102.8.4 MEMORANDA

Memoranda will be considered as verbal orders.

Oath of Office

104.1 POLICY

Officers of the Department are sworn to uphold the federal and state constitutions and to enforce federal, state, and local laws.

104.1.1 OATH OF OFFICE

Prior to assuming the duties of the position, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect Constitutional rights in discharging the duties of a law enforcement officer. (California Constitution, Section 20, Article 3).

Fresno Police Department Policy Manual

Policy Manual

106.1 POLICY

The manual of the Department is hereby established and shall be referred to as the "Policy Manual", more commonly referred to as the "Bluebook." Except for provisions of law, members are allowed discretion in their adherence to the regulations, policies, and procedures of the Department. Policy does not dictate a precise action to be taken, but establishes the governing ideal which should be furthered and supported by the actions taken.

106.1.1 PURPOSE AND SCOPE

The Policy Manual is a statement of the current policies, rules, and guidelines of the Department. Members are to conform to the provisions of this manual. Prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual. It is recognized that police work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of the Department under the circumstances reasonably available at the time of any incident.

106.2 RESPONSIBILITIES

The ultimate responsibility for the content of the Manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the Manual, the following delegations have been made:

106.2.1 CHIEF OF POLICE

The Chief of Police shall be considered the ultimate authority for the provisions of this Manual and shall continue to issue Provisional Orders which shall modify those provisions of the Manual to which they pertain. Provisional Orders shall remain in effect until such time as they may be permanently incorporated into the Manual.

106.2.2 STAFF

Staff shall consist of the following:

- (a) Chief of Police
- (b) Assistant Chief of Police
- (c) Deputy Chiefs
- (d) Captains
- (e) Lieutenants
- (f) Bureau / Unit Managers

Staff shall review all recommendations regarding proposed changes to the Manual.

106.3 LEGALITY OF CONTENTS

When any portion of the Manual is found to be illegal or incorrect, that finding shall not affect the validity of the remaining portions of the Manual.

106.4 FORMATTING OF THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in the Manual.

The Policy Manual contains chapters, policies, sections, subsections, and ordered lists as illustrated below.

POLICY MANUAL

Preface

Table of Contents

Chapter

Policy 100

Section 100.1

Subsection 100.1.1

Ordered list (a)

106.4.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the Manual:

- Provisional Orders may be abbreviated as "PO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "106.X"

106.4.2 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult Shall mean any person 18 years of age or older

CHP Shall refer to the California Highway Patrol

City Shall mean the City of Fresno

Civilian Refers to all members who are not peace officers

Department/FPD Shall mean the Fresno Police Department

DMV Shall mean the Department of Motor Vehicles

Employee/Personnel Shall apply to any person employed by the Department

Juvenile Shall mean any person under the age of 18 years

Manual Shall refer to the Fresno Police Department Policy Manual

May (or can) Indicates a permissive, discretionary or conditional action.

Member Term applied to all persons of the Police Department and shall include sworn officers and non-sworn employees. This includes reserve officers, volunteers, and other persons who work within the Department but are unpaid or who are paid by entities other than the Department

Officer/Sworn Applies to those employees, regardless of rank, who are sworn employees of the Fresno Police Department

On-Duty Employee status during the period when he/she is actually engaged in the performance of his or her assigned duties

Order An instruction either written or verbal issued by a superior

Policy Is a statement of principle(s) upon which procedures and regulations are based to achieve the goals of the Department

POST Shall mean the California Commission on Peace Officer Standards and Training

Rank Shall mean the title of the classification held by an officer

Shall (will or must) Indicates a mandatory action

Should Indicates a generally required or expected action, absent a rational basis for failing to conform

Staff Member Refers to officers of the rank of lieutenant or above and to civilian personnel with bureau or unit management responsibility

106.5 AUTHORITY OF DEPARTMENTAL DOCUMENTS

The following order of authority shall be given to Departmental documents listed from highest to lowest:

- (a) Chief's Memoranda;
- (b) Provisional Orders;
- (c) Policy/Procedure Manuals;
- (d) Other approved manuals/Operations Manuals;
- (e) Memoranda; and
- (f) Roll Call Training Bulletins.

106.5.1 OPERATIONS MANUALS

Operations Manuals may be established by each division, bureau, section, or unit commander to establish regulations and procedures for their division, bureau, section, or units.

The Manual may be issued by the Accountability and Compliance Section (ACS) after being approved by the ACS and the affected division commander.

106.5.2 ROLL CALL TRAINING BULLETINS (RCTB'S)

RCTB's shall be issued by the ACS to those members designated by the ACS. RCTB's shall be used to provide training information or to clarify existing policy and procedures, but shall not establish new policy or procedure. Specific instances requiring the issuance of a RCTB shall include, but are not limited to:

- Yearly update on legislative changes;
- Court decision/case law updates as needed; and
- Information on dangerous weapons, drugs, or disease.

(See ACS Operations Manual for format and contents of RCTB)

106.6 DISTRIBUTION OF MANUAL

ACS will maintain the master version of the Manual. This version shall include all former orders and subsequent revisions. ACS will have the primary responsibility for revising the Manual and for ensuring the contents are accurate and current.

A computerized version of the Manual is available on the Department network and on the patrol vehicle Mobile Data System (MDS) for access by all members. The computerized version is limited to viewing and printing of specific sections. No changes shall be made to the electronic version without proper authorization. The version contained on the Department network shall be considered the most current version of the Manual.

The working version will be distributed via PowerDMS to each bureau, section, or unit by the ACS.

Revisions and/or additions to the Manual will be published by the ACS. These will be published either electronically or hard copy in the form of complete or partial orders to be inserted into the Manual.

Each bureau, section, or unit issued a hard copy manual is responsible for promptly inserting new orders into the Manual so that it is current at all times. New or modified policies or orders take force and effect on the effective date as designated on the order.

Revisions to the Manual before the quarterly updates will be in the form of Provisional Orders (PO). PO's shall remain in effect until such time as they may be permanently incorporated into the Manual.

106.7 REQUESTS FOR REVISION OR NEW POLICY

Members wishing to create a new policy or to revise, amend, or otherwise modify the Manual shall prepare a draft of the document and submit it through the chain of command to their commander, who will forward it to the Commander of the ACS.

ACS will ensure that the draft document is reviewed by the affected division commander or acting division commander prior to staffing. Once approved, the draft will be returned to ACS to ensure that proper staff review is accomplished. The ACS Commander will determine whether full, executive, or no staffing is required for appropriate review of the draft document. ACS will distribute the draft document according to the staffing recommendations and allow one week for comments. Once the comment period is completed, ACS shall be responsible for reconciling the staffing comments with the original author or person requesting the modification.

The ACS shall review the drafts, ensure that proper staff review is accomplished, and shall then submit them to the proper authority for approval.

On completion of this process, ACS will send the final draft document to the Chief of Police or his/her designee for signature.

106.8 RECEIPT OF ORDERS

All members are required to log into the PowerDMS system at least once per work week, or when notified by Department email or voice mail, to receive new and updated Departmental documents. Members shall personally sign (by entering an ID and password) for policies, procedures, and other directives that are distributed electronically via PowerDMS. After members have electronically signed for the new or modified order, the ACS will retain the electronic signature in the PowerDMS database.

When documents are distributed as a hard copy, members shall sign the Policy Distribution / Receipt Form accompanying the new or modified order, indicating their acknowledgment and receipt of the order. The form will be retained by the ACS.

Following the distribution of the document, supervisors may generate a signature report at any time for their respective bureau, section, or unit to verify compliance.

ACS has the responsibility for updating and maintaining accurate Policy Distribution / Receipt Forms.

106.9 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Fresno Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Fresno Police Department reserves the right to revise any policy content, in whole or in part.

Fresno Police Department Policy Manual

Organizational Structure and Responsibility

200.1 POLICY

The Department will maintain a divisional structure with established responsibilities.

PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish its mission and goals and to provide for the best possible service to the public.

200.2 STRUCTURAL UNITS & LEVELS

The Chief of Police is responsible for administering and managing the Fresno Police Department.

200.2.1 DEPARTMENT

The Department is organized into five operational levels:

- (a) Department;
- (b) Division;
- (c) Bureau;
- (d) Section; and
- (e) Unit (includes squads & teams).

200.3 DIVISION

A "division" is a grouping of bureaus, sections, and/or units, with a division commander. Divisions are subgroups of the Department. There are *five* divisions within the Fresno Police Department. These include:

- (a) Office of the Chief Division;
- (b) Patrol Division;
- (c) Support Division;
- (d) Investigative Services Division; and
- (e) *Professional Standards* Division.

200.3.1 OFFICE OF THE CHIEF

The Office of the Chief is commanded by the Chief of Police and falls under the authority of the City Manager. The Chief of Police is responsible for the day to day operations of the Department including administration, coordination and delivery of all law enforcement services provided by the Department to the community.

The Office of the Chief is comprised of:

- Chief of Police;
- Public Information Officer;
- Administrative Lieutenant; and
- Legal Advisor.

200.3.2 PATROL DIVISION

The Patrol Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for that Division.

The Patrol Division consists of:

- *Crime View Bureau*;
- Southwest Policing District;
- Southeast Policing District;
- Northeast Policing District;

- Northwest Policing District; and
- *Traffic/Field Services Bureau.*

200.3.3 SUPPORT DIVISION

The Support Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Support Division.

The Support Division consists of:

- *Communications Bureau;*
- Personnel Bureau;
- *Records/Information Services Bureau;* and
- *Training Bureau.*

200.3.4 INVESTIGATIVE SERVICES DIVISION

The Investigative Services Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Investigation Division.

The Investigative Services Division consists of:

- Crime Scene Bureau;
- Family Justice & Criminal Investigations Bureau;
- Special Investigations Bureau; and
- *Violent Crime Bureau.*

200.3.5 PROFESSIONAL STANDARDS DIVISION

The *Professional Standards* Division is commanded by a Deputy Chief whose primary responsibility is to provide general management directions and control for the *Professional Standards* Division.

The *Professional Standards* Division consists of:

- *Accountability & Compliance Bureau;*
- Fiscal Affairs Bureau;
- Internal Affairs Bureau;
- *Capital Projects Unit; and*
- *Employee Services Unit*

200.4 BUREAU

A "bureau" is a grouping of sections and/or units with a bureau commander or bureau manager. Bureaus are subgroups of divisions.

200.5 SECTION

A "section" may be a functional group of line personnel with a section manager, or may be a grouping of units. Sections are subgroups of bureaus.

200.6 UNIT

A "unit" may include "squads" and "teams," and is the basic functional group of the Department.

(Refer to the Department Organizational Chart for corresponding representation)

200.7 DEPARTMENT COORDINATION / COOPERATION

All Divisions, Bureaus, Sections, and Units will maintain communication with other Divisions, Bureaus, Sections, and Units as a means of coordinating law enforcement services and increasing cooperation within the Department. Coordination refers to the transmission and receiving of information between all Departmental functions in the form of attendance at staff meetings, briefings, email, voice mail, reports, and analysis.

Department Goals & Objectives

202.1 POLICY

The Chief of Police and management staff will establish a set of long-term goals for the Department.

202.1.1 PURPOSE AND SCOPE

The purpose of this policy is to establish staff responsibilities for setting the goals and objectives of the Department.

202.2 DEPARTMENT GOALS & OBJECTIVES

These goals will be reviewed annually and updated as needed to ensure they accurately reflect the needs of the community.

202.3 DEFINITIONS

GOAL - A Goal is a relatively broad statement of an end or result one intends to achieve. A goal usually requires a relatively long time span to achieve and, when possible, should be stated in a way that permits a measurement of its achievement.

OBJECTIVE - An objective is an end or result that one intends to attain, to achieve partial fulfillment of a goal. An objective is a sub-goal or an element of a goal, and requires a shorter time span to accomplish.

202.4 DIVISIONAL AND SUBORDINATE GOALS AND OBJECTIVES

Each Division Commander will establish written goals and objectives for his / her division as steps toward the attainment of the goals of the Department. These goals and objectives will be reviewed annually and updated as needed to ensure that they meet the need of the organizational component of the Department.

Each Bureau, Section, and Unit Manager will establish written goals and objectives for their operations directed toward the attainment of divisional goals and objectives. These goals and objectives will be reviewed annually and updated as needed to ensure that they meet the need of the organizational component of the Department.

NOTE: The written goals and objectives for Bureaus, Sections, and Units will be available to all personnel (e.g., on-line library, printed hard copies, in PRB).

202.5 MEASUREMENTS OF PROGRESS

At least annually, Division Commanders will quantify the progress of their respective objectives. This progress will be reported in the Department's Annual Report and published at the direction of the Chief of Police or his/her designee.

Bureau Commanders/Managers will evaluate written objectives of their Bureaus, Sections, and Units annually in order to compare the progress of achieving the written goal and to ensure the goals & objectives meet the needs of the Department.

Fresno Police Department

Policy Manual

Department Goals & Objectives

202.6 REVIEW OF OBJECTIVES

Bureau Commanders/Managers will review and update, or modify the goals and objectives for their Bureaus, Sections, and Units annually based on the previous years' data and submit them to their Division Commander. Division Commanders will review the modified goals and objectives and make any corrections or recommendations. Division Commanders will update their goals and objectives annually prior to budget preparation and establish new or revised goals and objectives as directed by the Chief of Police.

Provisional Order

204.1 POLICY

The Chief of Police or designee shall issue all Provisional Orders.

PURPOSE AND SCOPE

Provisional Orders (P.O.) establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding (MOU) and as permitted by Government Code § 3500 et seq.

P.O.'s will immediately modify or change and supersede sections of the Manual to which they pertain.

204.1.1 PROVISIONAL ORDER PROTOCOL

P.O.'s will modify existing policies or create a new policy as appropriate. P.O.s will be rescinded upon incorporation into the Manual.

Any P.O. issued after publication of the Manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "1" For example, 07-1.

Emergency Operations Plan

206.1 POLICY

The City has prepared an Emergency Operations Plan Manual for use by employees. Employees will follow the Emergency Operations Plan *and Department Critical Incident Response Plan* in the event of a major disaster or other emergency event.

PURPOSE AND SCOPE

The Emergency Operations Plan Manual provides for a strategic response by employees and assigns specific responsibilities in the event the plan is activated. *The Critical Incident Response Plan establishes the responsibilities of the Department to the City of Fresno in providing law enforcement services when confronted with emergency incidents, such as natural and man made disasters, civil disturbances, mass arrests, bomb threats, hostage and barricaded persons situations, acts of terrorism, and other unusual incidents, which expose citizens and police personnel to unusual dangers.*

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. The City of Fresno Manager/Director of OES, the Deputy City Managers, the Chief of Police, the Deputy Police Chiefs, Fire Department Operations Bureau Chief, Fire Marshal, OES Coordinator, or the Field Incident Commander may activate the Emergency Operations Plan when a disaster occurs or major emergency occurs or threatens to occur in the City.

206.3 LOCATION OF MANUALS

The manual are available in Admin Services Division and the Duty Office, and on the L: drive at [L:\LIBRARY\Emergency Operations Plans](#). All supervisors should familiarize themselves with the City of Fresno Emergency Operations Plan, *the Critical Incident Response Plan*, and what roles police personnel will play when the plan is implemented.

206.4 OFFICE OF EMERGENCY SERVICES (OES)

The City of Fresno Office of Emergency Services (OES) Coordinator is responsible for coordinating the planned response to natural and man made disasters, civil disturbances, and other critical incidents, which may require the use of state, federal, or citywide resources. The OES Coordinator shall act as an expeditor of resources for these types of incidents and shall be the principal advisor to the Chief of Police.

Training Policy

208.1 POLICY

The Department will ensure personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.1.1 PURPOSE AND SCOPE

It is a goal of the Department to administer a training program that will provide for the professional growth and continued development of its personnel. The Department seeks to provide on going training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by POST.

208.2 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public;
- (b) Increase the technical expertise and overall effectiveness of personnel; and
- (c) Provide for continued professional development of personnel.

Fresno Police Department Policy Manual

Electronic Mail (E-mail)

212.1 POLICY

Electronic mail (E-mail) is a communication tool to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act).

PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of E-mail by members of the Department. Messages transmitted over the E-mail system should only be those that involve official business activities or contain information essential to members for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.1.1 DEFINITION

For the purposes of this policy, E-mail shall include all electronic communication transmitted via traditional E-mail clients (e.g., MS Outlook), digital messages sent via cellular phones/PDA's, and administrative messages sent via MDS and Department computer.

212.2 E-MAIL - NO RIGHT OF PRIVACY

The City of Fresno provides members with E-mail services. Members should only use this service for conducting Departmental business. E-mail messages transmitted over the computer network are considered property of the Department. The City/Department reserves the right to access, audit, and disclose for whatever reason, all messages transmitted over its E-mail system or placed into its storage, including searching for security breaches or violations of Department/City of Fresno policy.

The E-mail system is not appropriate for confidential communications. When a communication must be private, an alternative method to communicate the message should be used. Members using the City's E-mail system shall have no expectation of privacy concerning communications in the system.

Administrative Correspondence (non-electronic)

214.1 POLICY

No non-electronic administrative correspondence format is allowed except that approved by the Chief of Police.

214.1.1 PURPOSE AND SCOPE

The purpose of this policy is to establish uniform formats throughout the Department for non-electronic correspondence.

214.2 AUTHORIZED FORMATS

- (a) Memorandums;
- (b) Department letterhead; and
- (c) Department "Memo" head.

214.3 MEMORANDUMS

The primary purpose of memorandums (memos) is to provide a means of administrative communication. Memos:

- (a) Do not establish policy, however may establish temporary regulations, or procedures;
- (b) Are issued by the Chief of Police, announce and document promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status;
- (c) May be issued by any ranking member to a subordinate member for purposes of directing the activities of that/those member(s) in a specific situation;
- (d) Will automatically expire for all purposes at 0001 hours on the 15th day after the date of issuance; and
- (e) That are expired may not be utilized to hold members accountable.

Exceptions: The expiration policy will not apply to those directives issued and signed by the Chief of Police. Memos issued by the Chief will remain in effect indefinitely, unless repealed or superseded by a different directive.

214.3.1 PREPARATION AND DISTRIBUTION

- (a) Memos will be addressed to the affected member(s), bureau, section, or unit, to which they apply;
 - (b) A memo will contain the date it takes effect;
 - (c) A memo will be signed / initialed by the issuing member;
 - (d) A copy of any memo issued to named personnel shall be given to each member addressed;
 - (e) Memos issued to bureaus, sections or units will be duplicated and distributed in sufficient quantity to ensure that all affected members are made aware of the memo; and
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Fresno Police Department

Policy Manual

Administrative Correspondence (non-electronic)

- (f) A member may not be held accountable to the provisions of any memo unless a supervisor can personally attest to the fact that the member had been made aware of the provisions of the memo.

214.4 DEPARTMENT LETTERHEAD

Department letterhead is distinguished by the presence of the City of Fresno "logo" along with the Department's address and name of the Chief of Police.

To ensure that the letterhead and name of the Department are not misused, the following will be adhered to:

- (a) All external correspondence will be on Department letterhead;
- (b) The Department letterhead will not be altered; and
- (c) Members are to use Department letterhead only for official business.

214.5 DEPARTMENT "MEMO" HEAD

Department "Memo" head is distinguished by the presence of the City of Fresno "logo", Department name, but lacks the address and name of the Chief of Police.

"Memo" head is only used for internal documents.

214.6 SURVEYS

All surveys are to be authorized by the Chief of Police or a Division Commander.

Staffing Levels

216.1 POLICY

The Department will establish minimum staffing levels in the Patrol Division for all shifts and districts.

PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing levels are available at all times. To accomplish this, the Department will balance the needs of the employee with the public safety requirements of the community.

Fresno Police Department Policy Manual

Concealed Weapon License

218.1 POLICY

The Fresno Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

218.1.1 PURPOSE AND SCOPE

Only the Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents* of the City of Fresno (Penal Code §§ 26150 and 26155). This policy will provide an outline for the application process and issuance of a license to carry a concealed firearm to Fresno residents. Pursuant to Penal Code §26160, these procedures shall be made accessible to the public.

*Some non-residents may qualify.

218.1.2 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff of Fresno County to process all applications and license renewals for the carrying of concealed weapons [Penal Code §26155(c)].

218.2 QUALIFICATIONS

Concealed Carry Weapons (CCW) applicants are subject to the following qualifications:

- (a) The applicant is 21 years of age and resides in the City of Fresno;
- (b) The applicant is of good moral character;
- (c) Good cause exists for issuance of the license;
- (d) The applicant has completed a course of training as described in Penal Code §26165; and
- (e) The applicant is not a member of one of the prohibited categories as specified in the application.

218.2.1 RESTRICTIONS

The following are standard restrictions that shall apply to all CCW licenses. The licensee shall:

- (a) Not have alcohol or drugs in system while carrying the weapon;
- (b) Not represent self as a peace officer at any time;
- (c) Not violate any local, State, or Federal laws;
- (d) Not be under the influence of any medication which is labeled with a warning not to operate a motor vehicle or other machinery;
- (e) Not impede any law enforcement officer in the performance of their duties;
- (f) Not refuse to display or surrender their permit and weapon when requested to do so by a peace officer;
- (g) Not unjustifiably display a deadly weapon;
- (h) Immediately notify a peace officer, with whom the licensee comes in contact, that the licensee is armed and has a permit in their possession;
- (i) Not carry weapon on any public school, private school, college, or university;
- (j) Not carry weapon into any courthouse;
- (k) Not carry weapon in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption;
- (l) Not carry weapon while attending any social or public function where weapons are prohibited; and
- (m) Not carry weapon into controlled access area of any airport or fly on any commercial airplane with a weapon, except as directed by authorized airport and/or airline personnel.

218.3 APPLICATION PROCESS

Concealed weapons applications can be obtained online through the City of Fresno website or by contacting the CCW Coordinator at 621-6562. Applications will be those prescribed by the Attorney

General in accordance with Penal Code §26175, as amended. The firearms training specified in this article may be started and completed after the application has been received by the Fresno Police Department; however, the CCW license shall not be issued until applicant produces evidence of successful completion of the required training.

218.3.1 APPLICATION

Applicants are to complete the California Department of Justice (DOJ) Standard Application form. The completed form must be returned in person to the Concealed Weapons Permit Office. Please call the CCW Coordinator at (559) 621-6562 for an appointment to return the form.

Information contained on the application, including substantial personal information, may be subject to public access under the Public Records Act.

WARNING: IT IS A CRIME TO KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION TO CARRY A CONCEALED WEAPON (Penal Code §26180).

218.3.2 GOOD CAUSE DETERMINATION

Good Cause is defined as any citizen concerned for the safety of themselves, their family and friends or their employees. An investigation will be conducted into the applicant's statement of good cause. The determination of good cause should consider the totality of circumstances in each individual case. If the applicant states that good cause for obtaining a concealed weapon permit is related to his/her employment, the applicant **MUST** provide a letter from the employer authorizing the applicant to carry a concealed weapon during the course of his/her employment.

If the applicant meets the good cause requirement, he/she will be requested to appear at the Concealed Weapon Permits Office to continue the application process. If a determination is made that the applicant does not meet the good cause requirement, the application will be denied and the applicant will be notified in writing (Penal Code §26202).

218.3.3 FEES

The Fresno Police Department will charge a non-refundable fee of \$20.00 at the time the application is submitted. Once a determination has been made that the applicant has met the good cause requirement, a non-refundable fee of \$93.00 will be collected for the processing of the applicant's fingerprints as part of the criminal investigation by the State Department of Justice. A fee of \$80 will be collected at the time the license is issued. All fees are payable by Cashier's Check or Money Order to the Fresno Police Department.

Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code §§830.6(a) or (b) (Penal Code §26170).

218.3.4 FINGERPRINTS

The applicant will also be required to appear in person at the Fresno City Hall/Human Resources Department to have his/her fingerprints Live Scanned. At that time, the applicant must pay the required fingerprint scanning fee by Cashier's Check or Money Order. The fee is not refundable (Contact the Personnel Services Department at 621-6950 for the current Live Scan fee amount).

218.3.5 CRIMINAL HISTORY

The applicant's fingerprints will be Live Scanned to the State of California Department of Justice where his/her background will be checked to determine if they are free from those criminal offenses that would prohibit them from acquiring a concealed weapon permit. Persons convicted of certain criminal offenses or with a history of certain mental problems are prohibited by law from obtaining a concealed weapon permit. These offenses are listed in the application attachments.

A permit cannot be issued until clearance from the Department of Justice is received.

218.3.6 BACKGROUND CHECK

The Fresno Police Department will conduct a background investigation to verify the information on the applicant's application and to determine if he/she meets the good moral character requirement. Applicants, at minimum, must have no criminal convictions within the past 10 years of a crime involving moral turpitude or crime of violence (e.g. assault with a deadly weapon, domestic violence, battery, manslaughter, murder, etc.), have no history of alcohol or drug abuse, and have no dishonorable discharge from military service.

218.3.7 TRAINING AND QUALIFICATION

The applicant must provide evidence of having met this requirement before a permit will be issued. Applicants must provide proof of having completed an approved handgun training course (of a minimum of eight hours) and having fired a minimum of 100 rounds with weapons to be carried. A training course must be completed which involves a certified course of instruction by an instructor certified by the State of California. The Basic Safety Course involving a test or the viewing of a video does not meet the training requirement.

218.3.8 HANDGUN REQUIREMENTS

Other than new handguns purchased through a State of California authorized licensed gun dealers, the applicant must provide documented proof the weapon to be carried is a safe handgun and that he/she have qualified with the weapon to be carried.

The weapon must be checked by a California DOJ approved range master or armorer.

218.4 PERMIT ISSUANCE

If the applicant has met all requirements for a concealed weapon permit, they will be directed to respond in person to the Concealed Weapon Permits Coordinator's office in order to receive their permit. The Chief of Police, in accordance with State law, shall be the final issuing authority.

218.4.1 HOLD HARMLESS AGREEMENT

An approved CCW License permit holder shall be required to sign a form that shall indemnify, hold harmless, and defend the City, its officers, officials, employees and agents from any and all loss, liability fines, penalties, forfeitures, costs and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and from any and all claims, demands, and actions in law or equity (including reasonable attorney's fees and litigation expenses) arising out of or in connection with intentional or negligent acts or omissions of the permit holder.

218.4.2 RENEWALS

A concealed weapon permit is valid for two years. The permit must be renewed bi-annually to remain valid. The applicant will show evidence of successful completion of the required course of training, (Minimum of four hours & 50 rounds fired), which involves a certified course of instruction by an instructor certified by the State of California. All CCW license renewals shall be made within a time period of sixty (60) days before the expiration date of the CCW.

The licensee shall notify this Department in writing within 10 days of any change of place of residency. If the licensee's place of residence was the basis for the issuance of the permit and the licensee moves out of the county of issuance, the permit shall expire 90 days after the licensee has moved (PC §26210).

A non-refundable fee of \$25.00, payable to the City of Fresno by Cashier's Check or Money Order, is due at the time of renewal. In addition, the State Department of Justice charges a non-refundable fee of \$52.00 for the concealed weapon permit renewal and payable to the California Department of Justice by Cashier's Check or Money Order at the time of renewal.

218.4.3 MODIFICATION OF LICENSE FORM (AMENDMENTS)

A change of name, address, addition or deletion of a weapon, or other changes to the concealed weapon permit is considered a modification or amendment. A non-refundable fee of \$10.00 is payable by Cashier's Check or Money Order at the time of the modification or amendment.

218.4.3 REVOCATION

The Police Chief may revoke a CCW License at any time based upon any of the following:

- (a) There is a material misstatement on the application;
- (b) The permit holder becomes ineligible to make an application pursuant to the qualifications stated in Penal Code;
- (c) Other relevant, articulable factors as deemed by the Chief of Police.

218.5 PERMIT DENIAL

The Chief of Police shall have the right to deny any CCW License application based upon any of the following:

- (a) The results of the California Department of Justice background check;
- (b) The results of the local background check; or
- (c) Other relevant, articulable factors as deemed by the Chief of Police.

In situations where the local background check information that is not ordinarily contained in routine state or federal background checks discloses disqualifying information, the Chief of Police at his/her discretion, may, in accordance with state law, deny the application. Upon such denial, the Chief of Police will disclose, in writing, such information to the rejected applicant that justifies said denial, including which requirement the applicant did not satisfy. Pursuant to Penal Code §26205, the Chief shall give written notice to the applicant indicating that the CCW license is approved or denied within 90 days of the initial application for a new license or renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. The Chief of Police shall not be required to disclose a specific reason or reasons why an application was denied, if he/she determines that the disclosure of such reason or reasons would endanger the health, safety or security of the citizens of the City, or State.

Fresno Police Department Policy Manual

Retired Officer CCW Endorsements

220.1 POLICY

Upon honorable retirement from the Department, any full-time sworn officer, who had been authorized to, and did carry a concealed firearm during the course and scope of their employment, may be issued an identification card with a "CCW Approved" endorsement [Penal Code §25455].

220.1.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a carry concealed weapons (CCW) endorsement for retired officers of the Department.

220.2 QUALIFIED RETIREES

For the purpose of this policy, "honorably retired" [as defined in Penal Code §16690] includes all peace officers who have qualified for, and have accepted, a service or disability retirement. This shall not include any officer who retires in lieu of termination.

Service retirements qualify for a "CCW Approved" endorsement when the retirement is from regular employment as a law enforcement officer for an aggregate of 15 years or more. Officers who voluntarily separate from the Department and are not "honorably retired" as defined above, do not qualify for the CCW endorsement. Officers who fall into this category must seek a CCW permit through the civilian processes in the jurisdiction of residence.

Officers who are terminated for a medical disability are eligible for a CCW permit upon receipt of a retroactive medical disability retirement. Officers who have not received a medical disability retirement may seek a CCW permit through the civilian process in the jurisdiction of residence.

No "CCW Approved" endorsement shall be issued to any officer retiring because of a psychological disability [Penal Code §26305(a)].

Any firearm that is presented to this Department for concealed carry and range qualifications must meet the minimum requirements as prescribed in Policy/Procedure §312. The make, model and serial number of the qualifying weapon(s) will be inscribed on the retiree ID card, limiting concealed carry to not more than two specific weapons.

220.2.1 OFFICERS RETIRED PRIOR TO JANUARY 1, 1981

Officers who have honorably retired from this Department prior to January 1, 1981, and wish to carry a concealed weapon, are required to have a CCW endorsement, and must petition this agency every year to renew the ID card. These retirees must also qualify at the range and sign a liability waiver. If no CCW endorsement is desired, the officer is only required to renew the ID card once every five years. This agency may deny or revoke this privilege to carry a concealed firearm for "good cause" as outlined in [Penal Code §26305(d)]. This denial will be indicated by "No CCW Privilege" stamped on the card.

220.2.2 QUALIFIED RETIRED RESERVES

Qualified retired Level I reserve officers who meet the Department requirements shall be provided an identification card with a "CCW Approved" endorsement [Penal Code §26300].

220.3 CARRYING FIREARMS OUT OF STATE

Subject to 18 United States Code §926C and Policy/Procedure §312, qualified retired officers of the Department may be authorized to carry a concealed weapon in other states. Retired officers wishing to

maintain a CCW endorsement while traveling to or residing in another state, must adhere to the provisions in Procedure Manual §220.

(a) HR 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004, as Pub. L. 108-277, and is codified as 18 U.S. Code §926B and §926C.

1. The Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 (Pub. L. 90-618, 82 Stat. 1213) to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carrying of concealed firearms.
2. It does not exempt current or retired officers from any state or local firearm owner registration laws.
3. It is the policy of the Fresno Police Department to comply with the Act, under the conditions and provisions in Procedure Manual §220.

220.3.1 MAINTAINING A CCW ENDORSEMENT WHILE RESIDING IN ANOTHER STATE

In order to maintain a CCW endorsement, retirees must:

- (a) Have successfully passed an annual FPD background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm;
- (b) Not be under the influence of any alcohol or other intoxicating or hallucinatory drug or substance while carrying or otherwise in possession of a firearm; and
- (c) Have, during the most recent 12-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in their primary state of residence.

On request, qualified retired law enforcement officers of the Fresno Police Department who do not reside in this state, and who have successfully passed this state's standards for training and qualification for active law enforcement officers to carry firearms, will be sent a retirement identification card by mail, that indicates that the retired officer:

- (a) Is a nonresident of this state and has met all of the conditions in 220.2 and 220.3 above;
- (b) Must meet the standards for training and qualification for active officers in the retired officer's primary state of residence;
- (c) Must submit, in acceptable size and format, two recent facial color photographs or a recent digital image; and
- (d) Must submit, in acceptable size and format, fingerprints or digital image (10 print cards).

220.4 DENIAL OR REVOCATION OF CCW ENDORSEMENT

The CCW endorsement for any officer retired from the Department may be denied or revoked only upon a showing of good cause, as outlined in Penal Code §26305. Any denial or revocation under this section shall also be considered disqualification under 18 USC §926C(d). The CCW endorsement may be immediately and temporarily revoked by the Field Commander when the conduct of a retired officer compromises public safety [Penal Code §26305(c)].

220.5 OUT OF STATE AGENCY RETIRED OFFICERS

It shall be the policy of this agency to provide reciprocal services to retired law enforcement officers from other states that reside within the city limits, and seek to renew a CCW endorsement issued by the law enforcement agency from which they retired in good standing. Only those officers who qualify under HR 218, who present this agency with a signed affidavit of compliance, shall be provided the services outlined in Procedure §220, to include:

- (a) Verification of identification;
- (b) Range qualification; and
- (c) Completion of a Liability Waiver.

Fresno Police Department Policy Manual

Miscellaneous Duties & Programs

221.1 POLICY

The Department utilizes various programs and positions within the Agency to further its mission. These do not fall within the normal patrol/investigative functions but may support these and other functions within the Department.

PURPOSE AND SCOPE

The purpose of this policy is to provide general guidelines governing these programs.

221.2 LEGAL ADVISOR

Informal Legal Opinions

Members may, through their chain of command, contact the Legal Advisor concerning Department legal problems. The request for an informal legal opinion may be oral. Informal legal opinions will be rendered verbally. Incident commanders at in-progress operations may contact the Legal Advisor directly.

Legal Advisor Evaluation Reports

Members may, through their chain of command contact the Legal Advisor and request the issuance of a Legal Advisor Evaluation Report. This report is used when a problem requires an answer which cannot be presented in the form of an informal legal opinion. The request for a Legal Advisor Evaluation Report may be rendered verbally.

Case Evaluation

The commander of any section or bureau may request legal evaluation of any case which requires an opinion of the Legal Advisor. The request for the evaluation shall be in writing. All pertinent documents should accompany the request. Case evaluations may be verbal or written.

Requests for Legal Opinions of the City Attorney, DA or Attorney General

Requests for outside legal opinions shall be reviewed by the Legal Advisor prior to transmittal. The Legal Advisor, when appropriate, will prepare a detailed Memorandum of Law concerning the subject matter of the request. The Memorandum of Law shall be transmitted with the request and filed with the Chief of Police.

Staff Meetings

The Legal Advisor shall be informed in advance of all staff meetings. The Legal Advisor shall attend staff meetings for the purpose of advising the staff with respect to legal matters. In addition, the Legal Advisor shall present any significant legal matters which have been brought to his/her attention.

Research & Practices

The Legal Advisor shall advise the Department with respect to any court decisions or legislation which may have any affect on the policies, regulations and procedures of the Department.

Training

The Legal Advisor shall review the curriculum of the Training Bureau and shall advise the Training Bureau Commander with respect to the legal aspects of the training program. The Legal Advisor shall be available for the purpose of delivering lectures on appropriate subjects to training classes. The Legal Advisor shall assist in the development of comprehensive training programs and aids designed to train the members of the Department to work within the framework of legal requirements.

Public Information

The Legal Advisor shall be available to advise the Chief of Police regarding the release of information to the public. In addition, the Legal Advisor shall be consulted by members on matters that involve possible civil liability, libel, and slander.

Departmental Orders

The Legal Advisor shall review all proposed SO's orders and bulletins prior to publication for the purpose of determining legal sufficiency. In addition, the Legal Advisor shall review all training bulletins, orders and manuals currently in effect and determine their conformity to legal and Constitutional requirements.

City Attorney Liaison

The Legal Advisor shall be responsible to the Office of the City Attorney. The Legal Advisor shall consult with the Office of the City Attorney for the purpose of determining the sufficiency of case preparation and the quality of courtroom testimony of members. The Legal Advisor shall convey the Department's policies to the Office of the City Attorney and shall be responsible for advising the Department concerning policies and suggestions of the City Attorney's Office.

DA

The Legal Advisor shall consult the DA for the purpose of determining the sufficiency of case preparation and the quality of courtroom testimony. The Legal Advisor shall convey the Department's policies to the DA and shall be responsible for advising the Department on policies and suggestions of the DA's Office.

US Attorney

The Legal Advisor shall serve as the Department's liaison with the Office of the US Attorney and other federal prosecuting agencies.

Courts

The Legal Advisor shall act as the Department's legal liaison with the court system.

Legislative

The Legal Advisor shall consult with the Chief of Police and his staff concerning any proposed legislation which may affect the operations of the Department.

Bar Associations

The Legal Advisor may join the Bar Association and criminal law and legislative committees for the purpose of liaison and to present the Department's policies and points of view to these groups.

Law Enforcement Agencies

The Legal Advisor shall perform liaison functions with other agencies as determined by the Chief of Police or the City Attorney.

Department Discipline

The Legal Advisor shall take no prosecutory part in police disciplinary proceedings.

Labor Negotiations

The Legal Advisor shall take no part in Department labor negotiation proceedings.

Reports

All written legal opinions of the Legal Advisor shall be in a form approved by the City Attorney. Memos shall be written in the standard Department format.

Other Duties

The Legal Advisor will be called, pursuant to staff officer authorization, at any time there is a question of civil liability on the part of the City or any member. The Legal Advisor shall perform other duties as may be assigned by the Chief of Police or the City Attorney.

221.3 DEPARTMENT VOLUNTEERS

The Department may use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities.

A volunteer performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, and persons providing administrative support, among others. A documented background investigation shall be completed on each volunteer applicant.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor.

221.4 PATRIOTIC PROTOCOL

National Anthem

When the National Anthem is played at any place where uniformed members are present, members shall stand at attention and salute the flag until the last note of the anthem.

Passing of the Flag

On approach of the American flag, uniformed members on foot shall render a military salute as the flag passes. The time to salute is when the flag is within six paces on approach, to end when the flag is beyond six paces on passing. Motorcycle officers at fixed post shall dismount and salute.

HQ Flag

The American flag shall be flown on the HQ flag pole every day of the year from sunrise to sunset, except during inclement weather.

No other flag shall be displayed above, equal to, nor in a position of superior prominence or honor to or in place of the American flag.

The flag will be flown at half mast on Memorial Day and Veteran's Day, and on any other day specially designated by the President, Governor, City Council, Mayor, or Chief of Police.

221.5 FUNERAL DETAILS

221.5.1 FUNERAL DETAIL COMPOSITION

Active Members of the Department

The full Honor Guard contingent shall be detailed to attend. All on duty sworn members that can be released without hindering Department operations should attend. All off duty members are encouraged to attend.

Active City Officials & City Administrators

The full Honor Guard contingent shall be detailed to attend.

Others

An Honor Guard contingent of six members shall be detailed to attend funerals of retired members, active FFD members, active reserve officers, and active members of local law enforcement agencies killed in the line of duty.

Requested Honor Guard Attendance

On approval of the Chief of Police, six members of the Honor Guard shall be detailed to attend funerals of members' relatives, County and State officials, active and retired members of local law enforcement agencies, or other persons when attendance is requested.

221.5.2 FUNERAL ESCORTS

At the direction of the Chief of Police, an escort may be assigned to a funeral detail.

221.5.3 UNIFORM

Members of the Honor Guard assigned to funeral details shall attend in full Honor Guard uniform. All other members assigned to funeral details shall attend in dress uniform or as directed by the Chief of Police.

221.5.4 ASSEMBLY

Members who attend a funeral in uniform shall be considered a member of the funeral detail and shall be commanded by the superior officer in charge. Assembly shall be outside of the location of the funeral, one-half hour prior to commencement of services, or as directed by the superior officer in charge.

221.5.5 OTHER AGENCY FUNERAL DETAILS

When uniformed members of this Department attend the funeral of a member of another law enforcement agency, the members shall report to and follow the instructions of the officer in charge of the uniformed detachment.

221.6 CHIEF'S ADVISORY BOARD

The mission of the Chief's Advisory Board (CAB) is to enhance the level of trust between the community and the Department by freely discussing ideas and concerns, as well as educating the community on police related issues. The Chief's Advisory Board is comprised of members of the community who volunteer to represent the diverse citizen groups within the City of Fresno in which they serve. CAB members may include community members serving the youth, as well as a youth representative. Members meet on a bi-monthly basis with Department staff to discuss issues affecting the Department and Fresno area residents.

Critical Incident Review Committee (C.I.R.C.)

224.1 POLICY

The Chief of Police will establish the Critical Incident Review Committee (CIRC) to critique incidents of a serious nature.

PURPOSE AND SCOPE

To critique incidents of a serious nature in order to:

- (a) Identify training needs;
- (b) Identify unsafe work practices and to recommend action to correct safety deficiencies;
- (c) Evaluate the adequacy of equipment used by or available to members;
- (d) Evaluate incidents occurring in other jurisdictions which may have training value for members;
- (e) Assure that Departmental procedures and practices are consistent with legal, safety, and professional standards;
- (f) Identify the need for changes in Department policy, state or local legislation, or labor agreements; and
- (g) Assist in future planning efforts.

224.2 MEMBERSHIP OF THE COMMITTEE

A committee comprised of Department members will be established at the beginning of each calendar year. Membership shall include a staff officer appointed by the Chief of Police to serve as the chairperson, and the Police Department's Legal Advisor. The remainder of the committee will consist of personnel holding the rank of police officer, specialist, sergeant or lieutenant. The F.P.O.A. may appoint one officer, specialist, or sergeant to serve as a member.

224.3 RESPONSIBILITY OF THE COMMITTEE

The Chairperson shall convene a meeting within ten days following an incident which the Chief of Police has ordered to be reviewed.

The committee shall not review any officer involved shooting investigation until after the required administrative investigation is completed and then, only for a purpose stated herein. No report generated shall identify the officer(s) whose actions are subject to critique, but rather will be limited to the areas set forth in § 224.1.

224.4 FINDINGS BY THE COMMITTEE

Generally, within thirty days, the findings and recommendations will be forwarded in writing to the Police Department's Legal Advisor. After review, the Legal Advisor will forward the report to the Chief of Police. The report shall not be considered in any disciplinary action, nor shall it be admitted in any disciplinary proceeding. When approved by the Chief of Police, a staff member will be assigned responsibility for required follow-up action.

Fresno Police Department

Policy Manual

Critical Incident Review Committee (C.I.R.C.)

224.5 OFFICER RIGHTS AND RESPONSIBILITIES

Nothing in this policy shall be construed or understood as a waiver of any rights or privileges that may be held by individual officers involved in the incident being reviewed.

Administrative Reports

225.1 POLICY

Administrative reports within the Department are completed to ensure that the goals and objectives of the Department are being met.

PURPOSE AND SCOPE

Administrative reports take different forms and include, but are not limited to, Performance Evaluations, Internal Investigations, Accident/Pursuit Reviews, Budget Requests, etc.

225.2 ADMINISTRATIVE REPORTS

The Executive Assistant to the Chief of Police is responsible for ensuring that any applicable administrative reports are included in the Annual Report each year.



Department Security

227.1 POLICY

No person shall be permitted access to the secure portions of any police facility unless he/she has lawful business that requires access.

227.2 VISITOR ACCESS

227.2.1 PUBLIC ACCESS

The public may enter HQ through the Mariposa Mall entrance and contact the Records Bureau window for assistance. Members and volunteers assigned to the Records Bureau window shall determine the needs of the person and direct them accordingly.

227.3 CHALLENGE OF UNAUTHORIZED OR WANDERING PERSONS

Members shall challenge any person not identified as provided in this policy who is observed in secure portions of Department buildings. Those persons found to be present without authorization shall be escorted to the lobby *guard* for screening.

Members shall contact any persons inside the building who appear unsure of where they are going and direct them to the place where their business is to be conducted.

Fresno Police Department Policy Manual

Use of Force

300.1 POLICY

It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to *accomplish a legitimate law enforcement purpose*.

PURPOSE AND SCOPE

The purpose of this policy is to provide officers of the Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

300.1.1 PHILOSOPHY

The Fresno Police Department maintains a high regard for human life and a high respect for the rule of law. In the operations of any public safety agency, there are many occasions in which the attending officer is faced with controlling the behavior of others. Generally, persons contacted by law enforcement officers are law abiding and/or compliant. Occasionally we contact a person that is noncompliant or assaultive. These encounters present serious threats to the safety of the community, the attending and/or arresting officer and even to the subject themselves. Undesirable consequences, such as injury or death, may result from these encounters. The principal philosophy of this Department mandates, without exception, that members exercise due caution in the application of force and respond in an objectively reasonable manner consistent with the authorities and restrictions that govern the use of force by law enforcement officers.

300.2 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 PROFESSIONAL CONDUCT

This policy recognizes the evolving nature of case law as it relates to police tactics and evolving responsibility when assessing the apparent need for an application of force. This individual responsibility must include a reasonable judgment based on the information then available to the Department member and on the practical application of force option to achieve a legitimate police objective.

300.4 OBJECTIVELY REASONABLE FORCE

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance ([Penal Code §835a](#)).

The legal standard recognizes that Peace Officers are often required to make split-second judgments and rapidly respond to dynamic situations that are tense, uncertain, evolving, and potentially dangerous. Members shall evaluate each situation in light of the known circumstances and apply an appropriate use of force calculated to accomplish a legitimate law enforcement mission. In all cases, members shall consider the seriousness of the crime, the level of resistance, and the apparent threat to the safety of the community, the arresting officer, and the person or persons to be detained. The degree of force used will be that which is objectively reasonable to bring individual situations under control. The degree of force and the manner of its application shall be consistent with the training the member has received relative to its use and application.

300.4.1 CONSTITUTIONAL GUIDELINES FOR REASONABLE FORCE

Both Federal and State law authorize Peace Officers to use objectively reasonable force to accomplish a legitimate law enforcement mission. There are five recognized objectives that serve as the basis for the reasonableness of any police use of force. The five lawfully recognized objectives are:

- (a) Self-defense;
- (b) Defense of others;
- (c) Effect an arrest or detention;
- (d) Prevent an escape; or
- (e) Overcome resistance.

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available that will effect the desired results.

300.4.2 JUSTIFICATION - KNOWN FACTS

The decision to use force, including deadly force, must be made based solely on the facts known to the member at the time force is used. Justification for the use of force shall be based on the situation as it reasonably appeared to the member(s) directly involved in its application. Facts unknown to the member at the time, no matter how compelling, cannot be considered later in determining the reasonableness of the member's decision to use force.

300.5 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to force options in Policy Manual §§308, and 309 respectively.

300.6 DEADLY FORCE APPLICATIONS

As used in all Department documents, the terms "deadly force" and "lethal force" are used interchangeably and have the same meaning.

The intentional discharge of a firearm at an individual, with the exception of those firearms dedicated to less lethal munitions, constitutes deadly force. Deadly force is force that creates a substantial risk of causing death or serious bodily injury. While the discharge of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury.

300.6.2 WARNING SHOTS

Warning shots are only permitted in situations where warning shots provide the potential ability to diffuse an escalating and potentially life-threatening incident. Department members shall only fire warning shots if the situation presented would otherwise justify a use of deadly force. Members are never required to fire any warning shots prior to the use of deadly force.

300.6.3 MOVING VEHICLES

Shooting at or from moving vehicles is rarely effective and can be hazardous to both innocent persons and officers. Firearms shall not be discharged at a moving vehicle or its occupants unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle itself. Members shall employ all reasonable means available to move to an area of safety if a vehicle becomes a threat, including retreating from the threat if necessary.

Department members shall avoid maneuvering into the path of an occupied vehicle and shall move out of the path of a moving vehicle rather than attempt to fire at the vehicle or its occupants. However, in rare isolated situations, circumstances may justify shooting at or from a moving vehicle.

300.6.4 VEHICLES AS WEAPON

The intentional striking of any person on foot or a bicycle with a motorized vehicle, regardless of the speed involved, shall be considered as the use of deadly force.

300.6.5 ADMINISTRATIVE LEAVE

*Any member who seriously injures or causes the death of any person through any act occurring on-duty shall be placed on *administrative* leave until the member can *meet with* a competent mental health professional.*

Vehicle Thefts

305.1 POLICY

All reports of vehicle thefts shall be investigated to the fullest potential allowed by available resources as outlined within this policy.

305.1.1 PURPOSE AND SCOPE

Members shall reasonably attempt to contact the party reporting a vehicle theft and the registered owner of the vehicle being investigated. Members shall attempt to determine the disposition of the vehicle and report the appropriate related crime and disposition (e.g., possible stolen, stolen, possible embezzled, impounded, repossessed, recovered, etc.)

Handcuffing and Restraints**306.1 POLICY**

The Fresno Police Department authorizes the use of restraint devices in accordance with this policy, Use of Force related policies and Department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.1.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions, arrests, and transports.

306.2 USE OF RESTRAINTS

Only members who have successfully completed Fresno Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices. Only Department-approved restraint devices and Department-authorized methods shall be utilized to restrain individuals that meet the criteria.

When deciding whether to use any restraint device, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- (a) The circumstances or crime leading to the arrest;*
- (b) The demeanor and behavior of the arrested person;*
- (c) The age and health of the person;*
- (d) Whether the person is known to be pregnant;*
- (e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing in front to allow the person to sign or write notes; and*
- (f) Whether the person has any other apparent disability.*

306.3 APPLICATION OF HANDCUFFS

Handcuffs (including temporary nylon or plastic cuffs, e.g. Flex Cuffs), may be used only to restrain a person's hands to ensure officer safety.

The following applies when a person is initially arrested and during the transportation of an arrestee:

- (a) Suspects arrested for felonies shall be handcuffed. Disabled or injured suspects shall be controlled as safely as possible with proper consideration for their condition;
 - 1) Pregnant females should be restrained in the least restrictive manner that is effective for officer safety. Females in labor should not be restrained absent extraordinary circumstances and supervisor approval;*
 - 2) Juveniles under 14 should not be restrained unless suspected of a dangerous felony, or the officer reasonably suspects the juvenile may resist, attempt to escape, injure him/herself or others, or damage property.**
- (b) Suspects arrested for misdemeanors may be handcuffed at the discretion of the arresting officer. The arresting officer shall take appropriate measures to prevent escape or harm to other persons;*
- (c) When applying handcuffs, the subject's hands should be secured behind his/her back with the palms facing outward;*
- (d) The handcuffs shall be double-locked whenever possible; and*
- (e) Officers shall periodically inspect all handcuffed subjects to minimize the potential for injury from movement of the handcuffs.*

Handcuffs should be removed as soon as it is reasonable or after the subject has been searched and is safely confined within the jail or within a holding cell designed to safely house that individual.

306.4 APPLICATION OF SPIT HOODS OR MASKS

Spit hoods or masks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, during or after transport.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only Department-authorized auxiliary restraint devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.6 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints (i.e. hobble restraint) may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only 48" strap style hobble leg restraint devices (e.g. RIPP Hobble) shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect;*
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers); and*
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).*

Petty Thefts**307.1 POLICY**

Members shall prepare a crime report on petty thefts of gasoline, beverages, food, cigarettes, etc. from businesses only when:

- (a) A suspect is in custody; or
- (b) There is any information that may result in identification of the suspect (i.e. a vehicle license plate); or
- (c) There is evidence of another crime present which requires reporting.

PURPOSE AND SCOPE

This policy provides guidelines members will follow to investigate petty thefts / shoplifts effectively utilizing available resources.

307.2 ELECTRONIC REPORTING (eREPORTING) SYSTEM

Any petty theft call from a commercial establishment shall be screened using the criteria listed above in Section 307.1. When the call does not meet the crime report criteria, the reporting party (RP) will be directed to the eReporting website located at <http://www.fresno.gov/reportcrime> to complete an eReport with the available information.

Fresno Police Department Policy Manual

Force Options

308.1 POLICY

Department members shall only utilize force options authorized by the Department and in a manner consistent with training, to control violent or threatening suspects.

PURPOSE AND SCOPE

To reduce and minimize injuries to officers and suspects, the Department authorizes the use of selected force options.

308.1.1 WHEN FORCE OPTIONS MAY BE USED

When a decision has been made to restrain or arrest a suspect, approved force options may only be used when their use appears reasonable under the circumstances.

The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Members should take into consideration factors which would impair the subject's ability to comply with orders or place the subject at risk for sustaining significant injuries. These factors include age (children and elderly), pregnancy, physical or mental disabilities, and limited English proficiency.

A verbal warning, when feasible, should precede the application of the chosen force option, unless it would otherwise endanger the safety of members or when it is not practical due to the circumstances.

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply; and
- (b) To provide other members and individuals with a warning that the chosen force option may be deployed.

Although force may be used to prevent a subject from swallowing evidence/narcotics, officers are discouraged from doing so except when necessary for the suspect's safety.

The application of any force option shall be discontinued once the officer determines that compliance has been achieved.

308.2 AUTHORIZED FORCE OPTIONS

Only members who have successfully completed Department approved training and demonstrated proficiency in the use of any force option are authorized to carry and/or use the force option.

Exception: Weapons of Necessity

The Department authorized force options, in addition to the weapons of necessity as defined below, include the following:

- (a) **Baton** – Uniformed officers should take their baton to any call that has the potential for the use of force;
- (b) **Oleoresin Capsicum (OC) Spray** – Uniformed officers should take their issued OC spray to any call that has the potential for the use of force;
- (c) **Chemical Agents**– Use of chemical agents for crowd control/dispersal or against barricaded suspects shall be based on the circumstances;
- (d) **Pepperball** – Use of Pepperball projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent or criminal behavior. Pepperball projectiles and OC spray should not, however, be used against

individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public. Except in life threatening situations, the Chief of Police shall have the overall authority on the use and deployment of Pepperball projectiles;

- (e) **Carotid Restraint Hold** – The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual;
- (f) **Pain Compliance / Control Hold Techniques** – Pain compliance/control hold techniques may be effective in controlling a physically or actively resisting individual;
- (g) **Body Strikes** – Utilizing a body part (i.e. Forearm, elbow, knee, etc.) as a striking device may be appropriate when circumstances necessitate the immediate use of this force option to effectively bring an incident under control;
- (h) **Less Lethal Impact Projectiles** – Less lethal impact projectiles are those munitions that are fired, launched or otherwise propelled that may reduce the likelihood of serious injury or death to the suspect. Less lethal impact projectiles include beanbag projectiles, launchable wooden, foam, or rubber batons, and rubber pellets;
- (i) **Canine (K-9) Application** – The use of a Department K-9 with a trained handler may assist in providing specialized assistance in handling high risk calls, and locating criminal offenders, illegal narcotics, and dangerous explosives;
- (j) **Tasers™** - When properly applied in accordance with Policy §309, the Taser™ device is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury; and
- (k) **Firearms** – The use of firearms is considered deadly force and shall be applied in accordance with Policy §300.

The above list is not meant to be all inclusive, as there may be other appropriate force options available to members during any given situation.

308.2.1 WEAPONS OF NECESSITY

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available to accomplish a legitimate law enforcement purpose.

Fresno Police Department Policy Manual

Electronic Control Device (ECD) Guidelines

309.1 POLICY

Only electronic control devices (ECDs) & dart cartridges issued by the Department shall be used by officers and only after the officers have successfully completed a Department approved ECD training course on its proper use and deployment.

PURPOSE AND SCOPE

When properly applied in accordance with this policy, procedure, and training received, the ECD is considered a non-deadly control device that is intended to control a subject who poses an immediate threat, while minimizing the risk of injury to officers and suspects.

309.2 USE OF THE ECD

As with any law enforcement equipment, the ECD has limitations and restrictions requiring consideration before its use. The ECD should only be used when its operator can safely approach the subject within the operational range of the ECD. Although the ECD is generally effective in controlling most individuals, members should be alert to the potential for failure and be prepared with other options. When practical the ECD should be utilized with the dart cartridge in order to get and maintain a positive and continuous contact with the recipient.

309.2.1 APPLICATION OF THE ECD

Authorized personnel may use the ECD when circumstances known to the member at the time indicate that such application is reasonable to control a person in any of the following circumstances:

- (a) A violent or physically resisting subject; or
- (b) A subject who, by words or action has demonstrated an intention to be violent or who poses an immediate threat to officers, him/herself or others.

309.2.2 MULTIPLE APPLICATIONS OF THE ECD

If the first application of the ECD appears to be ineffective in gaining control of an individual and if circumstances allow, the member should consider the following before additional applications of the ECD:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the ECD is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Members should generally not intentionally apply more than one ECD at a time against a single subject. This, however, shall not preclude any member from deploying more than one reasonable application of the ECD on an individual.

309.2.3 REPORT OF USE

All ECD discharges shall be reported to a supervisor as soon as practical, and documented in the related arrest/crime report.

309.3 MEDICAL TREATMENT

All persons who have been struck by ECD darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking.

Fresno Police Department Policy Manual

Officer Involved Shooting

310.1 POLICY

The Department is committed to investigating officer involved shootings (OIS) to ensure member compliance with state and federal mandates, and with Department policy. An OIS investigation shall be initiated whenever a member intentionally uses deadly force against another person, and will not apply for situations involving warning shots only, dog OIS's, or unintentional weapon discharges that do not result in the injury or death of any person.

PURPOSE AND SCOPE

To establish policy for the investigation of an incident in which a member intentionally discharges a firearm at a person. The intent of this policy is to ensure that such incidents be investigated in a thorough and impartial manner.

The OIS investigation process will apply to the following situations, unless otherwise directed by the Chief of Police, when an officer, either on or off duty:

- Intentionally discharges a firearm at a person;
- Accidentally discharges a firearm resulting in the injury or death of any person;
- Intentionally utilizes a vehicle to strike or attempt to strike a pedestrian suspect; or
- Is involved in a situation which results in an in-custody death.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards regarding deadly force, nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.2 TYPES OF INVESTIGATIONS

An OIS involves several independent investigations utilizing resources within the Department. The investigations include:

- (a) A criminal investigation of the OIS;
- (b) A civil liability investigation to determine potential liability conducted by the involved officer's agency; and
- (c) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of Department policy.

The Chief of Police or his designee may relinquish the criminal investigation to an outside agency.

310.2.1 CRIMINAL INVESTIGATION

The Fresno Police Department Homicide Unit is responsible for the criminal investigation of any OIS involving a Fresno Police Officer that occurs within the City of Fresno. *A representative of the District Attorney's Office will respond to monitor the investigation.*

Jurisdiction - Jurisdiction for the criminal investigation will be determined by the location of the shooting and the agency employing the involved officer(s):

Allied Agency Officer within this Jurisdiction - The Fresno Police Department is responsible for conducting the criminal investigation whenever an officer from an allied agency is involved in an OIS within the City of Fresno.

Fresno Police Officer in another Jurisdiction - The agency where the OIS occurred has criminal jurisdiction and is responsible for conducting the criminal investigation of the incident. That agency may relinquish its authority to conduct a criminal investigation to another agency upon mutual agreement.

310.2.2 ADMINISTRATIVE INVESTIGATION

The Department will conduct an internal administrative investigation into any OIS involving a Fresno Police Officer to determine conformance with Department policy. This investigation will be conducted under the supervision of the Internal Affairs Bureau and will be considered a confidential peace officer personnel file.

When an OIS involves an officer from an allied agency, the officer's employing agency will be responsible for any administrative investigation.

310.2.3 CIVIL LIABILITY INVESTIGATION

A civil liability investigation will be conducted regarding any OIS involving a Fresno Police Officer to determine facts which would establish or refute the civil culpability of the member involved in a shooting. All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

When an OIS involves an officer from an allied agency, the officer's employing agency will be responsible for any civil liability investigation.

310.3 OIS INVESTIGATION PROCESS

Upon completion, the criminal and administrative investigation reports shall be simultaneously distributed to the involved officer's chain of command for review (Division Commander, Captain and Lieutenant). The Division Commander, Captain, and Lieutenant will then meet with the Professional Standards Division Commander regarding their collective recommendations. Upon the conclusion of this meeting, the recommendations of each investigation will be presented to the Chief of Police. The Chief of Police will review all documents related to the OIS for the purpose of rendering a final disposition.

The entire investigative review process shall be completed and forwarded to the Internal Affairs Bureau for closure within twelve (12) months of the OIS.

310.3.1 INVESTIGATION STATUS UPDATE

In the event of a fatal OIS, the Chief of Police or his designee will contact the involved officer and the family of the deceased six (6) months after the OIS to provide an update of the investigation. The update will be limited to the status of the investigation as being on-going or completed. The involved officer and the family will be re-contacted by the Chief of Police or the same designee, when possible, at the conclusion of the investigation.

310.4 OFFICER INVOLVED SHOOTING REVIEW COMMITTEE (OISRC)

The OISRC is separate from the OIS investigation process. The OIS review is not intended to determine violations of policy, procedure, or whether or not an OIS is legally justified. The purpose of the OISRC is to:

- Provide timely feedback to the involved officers;
- Provide timely feedback to staff and Department members;
- Evaluate the need for policy review;
- Evaluate training needs; and
- Evaluate equipment needs.

The OISRC shall consist of the following members:

- The involved officer's *Section/District* Commander (committee chairperson), *and* Bureau Captain (or Captain as designated by the Division Commander);
- SWAT Commander or designated SWAT supervisor;
- Training *Section* Commander or designated Training *Section* supervisor;
- Policy and Procedures Unit representative; and
- FPOA representative.

The OISRC chairperson shall brief the Chief of Police on the committee's findings within 30 days of the OIS. The chairperson will also meet with the involved officer to discuss the OISRC process as it relates to Department policy, training and equipment, as well as an opportunity for the involved officer to provide feedback on the OIS process.

310.5 MEDIA RELATIONS

All media contacts shall be handled by the Incident Commander, PIO, or Office of the Chief. The identities of involved officers shall not be released, absent their consent or as required by law. No involved officer shall be subjected to contact from the media [Government Code §3303(e)] and no involved officer shall make any comments to the media unless authorized by the Chief of Police or designee.

Members receiving inquiries regarding OIS incidents in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.6 INVOLVED OFFICERS

Any officer who discharges their weapon shall be placed on paid administrative leave following an OIS. The officer shall meet with a psychologist prior to returning to full-duty. Within 30 days of the OIS, the officer shall attend mandatory post-OIS training at the FPDRTC.



Bicycles (Lost / Stolen / Found)

311.1 POLICY

Lost, stolen, and found bicycles will be reported consistent with the procedures for Synoptical Reports. When identifiable suspect information is present, a crime report will be completed.

311.1.1 PURPOSE AND SCOPE

This policy provides guidelines members will follow to investigate lost, stolen, or found bicycles effectively utilizing available resources.

Fresno Police Department Policy Manual

Firearms

312.1 POLICY

The Chief of Police or his/her designee establishes approval for all firearms and ammunition carried on-duty or off-duty by any member of this Department.

PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, handling, and documentation of training in the use of firearms carried by authorized members of the Department. All weapons shall be maintained in a state of operational readiness and are subject to inspection at anytime.

312.2 HANDGUN DEFINITIONS

Issued On-Duty - The handgun issued by the Department to authorized members. Authorized uniformed members while on-duty shall carry the Department issued handgun, in a Department approved holster, with Department provided ammunition.

Optional On-Duty - An authorized handgun, meeting Department specifications, purchased and maintained by a member that is carried in lieu of the issued on-duty handgun. Sworn members working plainclothes assignments while on-duty may carry either the issued on-duty or optional on-duty handgun.

Authorized Off-Duty - Is a weapon, meeting Department specifications, carried by sworn members while not on-duty.

312.3 SAFE HANDLING AND STORAGE OF FIREARMS

Members will ensure that all firearms and ammunition are secured consistent with the provisions of (Penal Code §25100)

Members will maintain the highest level of safety when handling firearms.

312.4 FIREARMS QUALIFICATIONS

All members are required to train triannually (every four months) with all weapons they are authorized to carry at an approved range. *Sworn members may not carry weapons on-duty, or in any official capacity, for which they do not hold a current Department qualification. Under extraordinary circumstances an officer may be required to utilize a different firearm in an official capacity if the weapon they are qualified to use is not readily available during that emergency.*

312.6 FLYING WHILE ARMED

The Office of Law Enforcement/Federal Air Marshal Service maintains oversight of the Law Enforcement Officers flying armed program under Title 49 Code of Federal Regulation (CFR) §1544.219 Carriage of Accessible Weapons.

To qualify to fly armed, Federal Regulation states that an officer must meet the following basic requirements:

- (a) Be a Federal Law Enforcement Officer (LEO) or a full-time municipal, county, or state LEO who is a direct employee of a government agency;
- (b) Be sworn and commissioned to enforce criminal statutes or immigration statutes;
- (c) Be authorized by the employing agency to have the weapon in connection with assigned duties; and
- (d) Have completed the training program, "Law Enforcement Officers Flying Armed."

In addition to the above requirements, the officer must demonstrate a need to have the weapon accessible from the time he or she would otherwise check the weapon until the time it would be claimed after deplaning. The need to have the weapon accessible must be determined by the employing agency, department, or service and be based on one of the following:

- (a) The provision of protective duty, for instance, assigned to a principal or advance team, or on travel required to be prepared to engage in a protective function;
- (b) The conduct of a hazardous surveillance operation;
- (c) On official travel required to report to another location, armed and prepared for duty;
- (d) Employed as a Federal LEO, whether or not on official travel, and armed in accordance with an agency-wide policy governing that type of travel established by the employing agency by directive or policy statement;
- (e) Control of a prisoner, in accordance with Title 49 CFR § 1544.221, or an armed LEO on a round trip ticket returning from escorting, or traveling to pick up a prisoner' or
- (f) TSA Federal Air Marshal on duty status.

Counterfeit Currency

313.1 POLICY

Department members will investigate allegations of counterfeit currency in accordance with established procedures, with noted exceptions.

PURPOSE AND SCOPE

Counterfeiting of U.S. Currency and Coin is the primary jurisdiction of the U.S. Secret Service; however members will assist in the investigation when necessary. All other counterfeiting activities are the responsibility of this Department.

313.1.1 PURPOSE AND SCOPE

Counterfeiting of U.S. Currency and Coin is the primary jurisdiction of the U.S. Secret Service; however members will assist in the investigation when necessary. All other counterfeiting activities are the responsibility of this Department.

313.2 OTHER COUNTERFEIT DOCUMENTS

Investigation of counterfeit or false documents enumerated in Penal Code § 476, other than U.S. currency, is the responsibility of the Department. Such cases shall be investigated under the same guidelines as other criminal offenses.

Fresno Police Department Policy Manual

Vehicle Pursuit Policy

314.1 POLICY

Only sworn members of this Department are authorized to engage in a vehicle pursuit of any violator or suspected violator of any laws. Pursuits should be discontinued when the totality of objective circumstances known, or which reasonably ought to be known to the officer or supervisor during the pursuit, indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

314.1.2 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

314.8 REPORTING REQUIREMENTS

Whenever a pursuit occurs, prior to completion of their shift, supervisors shall:

- Create a pursuit review package using the _____ web interface to include answering related questions and selecting appropriate entries via drop down boxes;
- Click “save” (can be accessed by the IA secretary);

The supervisor shall ensure a written report and critique is prepared in an approved format (pursuit review form), to determine whether or not the pursuit was within Department guidelines. Once it has been completed, the critique will be submitted _____ along with the police report (and all

associated reports, i.e. collision report), audio recording of the pursuit and AVL data (if necessary) to the Pursuit Review Officer for review and a determination of the findings.

The following reports should be completed to comply with appropriate local and state regulations:

- (a) The primary officer shall complete appropriate crime/arrest reports;
- (b) Pursuant to VC §14602.1(b), the Pursuit Review Officer shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:
 1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved;
 2. The violation(s) that caused the pursuit to be initiated;
 3. The identity of the officers involved in the pursuit;
 4. The means or methods used to stop the suspect being pursued;
 5. The charges filed with the court by the district attorney;
 6. The conditions of the pursuit, including, but not limited to, all of the following:
 - (a) Duration;
 - (b) Mileage;
 - (c) Number of officers involved
 - (d) Maximum number of units involved;
 - (e) Time of day;
 - (f) Weather conditions; and
 - (g) Maximum speeds.
 7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved;
 8. Whether the pursuit involved multiple agencies; and
 9. How the pursuit was terminated.
- (c) After first obtaining available information, a field supervisor shall promptly complete a pursuit critique forwarding the critique to the Pursuit Review Officer. This memo should minimally contain the following information:
 1. Date and time of pursuit;
 2. Length of pursuit;
 3. Involved units and officers;
 4. Initial reason for pursuit;
 5. Starting and termination points;
 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable;
 7. Injuries and/or property damage;
 8. Medical treatment;
 9. Name of supervisor at scene;
 10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy; and
 11. Determine the need for any additional review and/or follow up.

The Pursuit Review Officer shall forward the critique and their findings to the Bureau Commander through the involved officer's chain of command. The Pursuit Review Officer, or any staff officer in the chain of command, may return the critique to the supervisor and direct an internal investigation be conducted. The Pursuit Review Officer will conduct a documented annual analysis of pursuit reports.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary POST training on pursuits required by PC §13519.8, all sworn members of this Department will participate no less than annually in regular and periodic Department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. [VC §17004.7(d)].

314.8.2 POLICY REVIEW

Each sworn member of this Department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The Audit & Inspections Unit (AIU) will conduct a documented annual review of pursuit policies and reporting procedures.

314.9 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of VC §17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

Officer Response to Calls

315.1 POLICY

When members are dispatched to a Call For Service (CFS), they should place themselves en route and respond without delay.

315.1.1 PURPOSE AND SCOPE

The Department recognizes the importance of timely response of police services to its citizens. The purpose of this policy is to provide a guideline to accomplish this task.

315.1.2 RESPONDING TO CALLS FOR SERVICE

Members handling calls for service (CFS) should direct their attention toward the long term solution of the problem.

315.2 CONFLICTING REQUESTS FOR SERVICE

When a member is dispatched to a call and encounters another situation requiring police service while en route, he/she should advise the Emergency Services Dispatcher (ESD) of the situation and proceed according to the instructions of the ESD. When the member is instructed to continue on the original call, he/she should advise the person(s) involved in the second incident that another member will respond as soon as possible. Members encountering such a situation should not instruct the contacting citizen to call the Department. Instead, sufficient information shall be provided to the ESD to prepare an event for later dispatching.

Members responding to a high priority call (priority "0" and "1") should not stop or delay their response for any activity other than another emergency. The ESD shall be immediately notified of a new incident to permit a decision to be made as to whether the unit will be preempted for the new emergency or required to respond to the original call.

315.3 PRELIMINARY CRIMINAL INVESTIGATIONS

Members assigned to reports of crimes are responsible for the satisfactory disposition of the call including investigation, enforcement, and necessary reports.

Fresno Police Department Policy Manual

Code-3 Response

316.1 POLICY

Officers responding "Code-3" (with lights and siren) shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code §21055.

Officers responding Code-3 are not relieved of the duty to continue to drive with due regard for the safety of all persons.

316.1.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

316.4 NOTIFICATION OF CODE-3 RESPONSE

Except in response to a call of an officer needs help, any officers responding Code-3 shall state over the radio that they are responding Code-3 and give their location.

316.5 SUPERVISORY RESPONSIBILITY

It is the responsibility of all supervisors to review Code-3 responses by their subordinates to ensure compliance with this order. Supervisors shall monitor their subordinates' emergency driving to ensure that they drive *with due regard for the safety of all persons using the highway*. Improper driving behavior which is identified shall be corrected through counseling, training, or disciplinary measures.

U.S. Mail Offenses

317.1 POLICY

Members who are assigned to any U.S. mail offense are responsible for conducting the initial investigation and reporting the incident in the absence of a Postal Inspector. Members shall request special routing to the Postal Inspector of pertinent reports they have written.

317.1.1 PURPOSE AND SCOPE

Title 18, § 1708 USC, makes it a felony to possess stolen mail. Officers who come into contact with persons suspected of possessing stolen mail shall consider enforcement action as with any other criminal offense. Officers may, upon probable cause, seize and book the suspected stolen mail. A copy of reports of the incident shall be forwarded to the Postal Inspector by Records Bureau personnel.

317.2 NOTIFICATION OF POSTAL INSPECTOR

The Postal Inspection Service has authority to conduct primary and follow-up investigations of offenses having to do with the mails including:

- (a) Post Office burglary, robbery, etc;
- (b) Theft of mail;
- (c) Possession of stolen mail;
- (d) Assaulting mail custodian;
- (e) Forgery of postal money orders;
- (f) Fraudulent use of the mails;
- (g) Obscene matter in the mails;
- (h) Explosives, poisons, etc., in the mails; and
- (i) Damage to mailboxes or mail.

Canine Program

318.1 POLICY

The use of service dogs are a valuable asset to the community, to law enforcement organizations, and to individual officer safety. The Department will adhere to procedures established by law and implemented by the Canine Unit, to increase public safety, education, promote efficiency, and reduce employee injuries through the utilization of skilled and trained police canine teams.

318.1.1 PURPOSE AND SCOPE

The canine teams assist in providing specialized assistance in handling high risk calls, and locating criminal offenders, illegal narcotics, and dangerous explosives. At times, canine teams may be utilized for public relations purposes, including appearances before community organizations and other appropriate venues.

318.2 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association.

Domestic Violence

320.1 POLICY

The official Department response to cases of domestic violence shall be: to stress the enforcement of the laws, to protect the victim, and to communicate the attitude that violent conduct in the home is criminal behavior and will not be tolerated.

320.1.1 PURPOSE AND SCOPE

Domestic violence is alleged criminal conduct and it is the policy of the Fresno Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

In responding to domestic violence incidents, officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

- (a) The intent of the law to protect victims of domestic violence from continuing abuse;
- (b) The threats creating fear of physical injury;
- (c) The history of domestic violence between the persons involved; and
- (d) Whether either person acted in self-defense.

320.2 ENFORCEMENT OF DOMESTIC VIOLENCE

It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

- (a) Marital status of suspect and victim;
 - (b) Whether or not the suspect lives on the premises with the victim;
 - (c) Existence or lack of temporary restraining order;
 - (d) Potential financial consequences of arrest;
 - (e) Complainant's history or prior complaints;
 - (f) Verbal assurances that violence will cease;
 - (g) Complainant's emotional state;
 - (h) Non-visible injuries;
 - (i) Location of the incident (public/private);
 - (j) Victim does not want to prosecute or make private person's arrest;
 - (k) Speculation that complainant may not follow through with the prosecution; and
 - (l) The case may not result in a conviction.
-

Fresno Police Department

Policy Manual

Domestic Violence

320.2.1 FELONY ARRESTS

In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

320.2.2 MISDEMEANOR ARRESTS

In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor, including violations of court orders, has occurred.

- (a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in their presence when it is committed upon:
 - 1. A current or former spouse;
 - 2. A current or former cohabitant (Family Code § 6209 definition);
 - 3. A fianc or fiancée;
 - 4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship;
 - 5. A person with whom the suspect has parented a child;
 - 6. A child of the suspect or a child of one of the above listed categories; or
 - 7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.
- (b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
 - 1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
 - 2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

320.2.3 FIELD RELEASE (CITE & RELEASE)

A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

Citizens should refer to the provisions of Policy § 420 for further information regarding the Department's cite & release policy.

320.2.4 PRIVATE PERSON'S ARREST

The Department will assist with all private person arrests that are made lawfully pursuant to Penal Code § 837. Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

Citizens should refer to the provisions of Policy § 364 for further options regarding the disposition of private person's arrests.

Fresno Police Department

Policy Manual

Domestic Violence

320.3 COURT PROTECTIVE ORDERS

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out-of-state and tribal court restraining and protective orders should be enforced. Penal Code § 13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Records Bureau to maintain these records.

320.3.1 VERIFICATION OF RESTRAINING ORDERS

When a complainant advises of the existence of a restraining order, this policy requires officers to immediately attempt to determine the following (Code of Civil Procedure § 527.8(i)(3)).

- (a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession;
- (b) Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System (Family Code § 6383(d));
- (c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made; and
- (d) The terms of the restraining order.

In the event the suspect is no longer at the scene, officers shall document the incident for follow up investigation.

320.3.2 ENFORCEMENT PROCEDURES

Violation of a restraining order is a misdemeanor under Penal Code §§ 273.6 or 166(4). An arrest should be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists.

320.3.3 EMERGENCY PROTECTIVE ORDERS

Members should request an EPO if any of the following conditions exist:

- (a) The victim requests an EPO;
- (b) The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim;
- (c) The investigating officer or victim believes the potential for further violence or threats exists;
- (d) When a child is in immediate danger of abuse by a family or household member; or
- (e) When a child is in immediate danger of being abducted and taken from the jurisdiction by a parent or relative.

Note: The above list is not all inclusive and there may other non-domestic violence related incidents in which officers could request an EPO.

320.3.4 COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1).

Fresno Police Department

Policy Manual

Domestic Violence

Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

Officers will use the same guidelines for verification and enforcement of stay-away orders as listed in Policy §§ 330.3.1 and 330.3.2.

320.4 VICTIM ASSISTANCE

During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

- (a) Assist in obtaining appropriate medical attention if a victim claims injury, whether visible or not;
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for safety, or the officer determines a need exists;
- (c) Stand by for a reasonable amount of time when a victim requests police assistance while removing essential items of personal property;
- (d) Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings; and
- (e) Advise the victim of available community resources and the State Victim Assistance Program.

320.4.1 DOMESTIC VIOLENCE INFORMATION FORM

In all cases of domestic violence, whether an arrest is made or not, investigating officers shall furnish the victim with a copy of the Domestic Violence Victim Information Form. This form shall include the report number of the investigation as a reference for the victim to contact Domestic Violence Unit detectives at a later time.

320.5 REPORTING POLICY

A police report shall be written to cover all incidents of domestic violence.

320.5.1 RECORD-KEEPING RESPONSIBILITIES

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

320.6 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request. (Penal Code § 13701(c)).

Fresno Police Department Policy Manual

Field Contacts

321.1 POLICY

The Department will treat the members of the community in strict obedience to the rights against unreasonable search and seizure as guaranteed under the Constitution of the United States of America and of the laws of the State of California.

321.1.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in field contact situations.

321.2 DEFINITIONS

Arrest – *Taking a person into custody, in a case and in the manner authorized by law.*

Detention - *Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.*

Consensual Contact - *Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.*

Consent Search – *A search conducted with the voluntary consent of the person to be searched.*

Field Contact - *A contact with any member of the public, which may be classified as a consensual contact, detention, or an arrest.*

Probable Cause – *A set of facts based on the totality of the circumstances that would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.*

Reasonable Suspicion - *Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.*

Voluntary Consent – *Consent given as a product of the individual's free will and uncontaminated by any duress, coercion, intimidating conduct, or other "pressure tactic," whether direct or indirect.*

Fresno Police Department Policy Manual

Search and Seizure

322.1 POLICY

It is the policy of the Fresno Police Department to respect the fundamental privacy rights of individuals. Members of this Department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this Department will comply with relevant federal and state law governing the seizure of persons and property.

Consistent with CA POST requirements, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.1.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for the Fresno Police Department personnel to consider when dealing with search and seizure issues.

322.2 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent;*
- Probation/Parole authorization;*
- Incident to a lawful arrest;*
- Legitimate community caretaking interests;*
- Vehicle searches under certain circumstances; and*
- Exigent circumstances*

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this Department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

322.3 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a). Officers will strive to conduct searches with dignity and courtesy;*
- (b). Officers should explain to the person being searched the reason for the search and how the search will be conducted;*
- (c). Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition;*

- (d). *In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated; and*
- (e). *When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:*
- 1. Another officer or a supervisor should witness the search;*
 - 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon; and*
 - 3. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.*

Search Warrants / Pre-Planned Tactical Operations

323.1 POLICY

Officers shall take the necessary steps to plan all warrant services carefully to prevent injury to suspects and members. Search warrants are only to be executed by sworn personnel.

323.1.1 PURPOSE AND SCOPE

A pre-planned tactical operation is any operation where officers plan on taking some sort of enforcement action.

Fresno Police Department Policy Manual

Temporary Custody of Juveniles

324.1 POLICY

The Fresno Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at Department facilities. Juveniles should be held in temporary custody only for as long as reasonably necessary for investigative purposes, processing, transfer or release. When a juvenile is placed in temporary custody of the Fresno Police Department, officers shall identify the purpose for taking temporary custody of the juvenile and determine the appropriate manner in which the juvenile is to be detained.

324.1.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Fresno Police Department (42 USC §5633).

324.2 DEFINITIONS

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes an offense under PC §29610 for underage possession of a handgun or concealable firearm (28 CFR §31.303).

Non-secure detention-When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure detention may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (WIC §207.1(d); 15 CCR §1150).

Safety checks - Direct, visual observation personally by member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of inmates.

Secure detention -When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure detention also includes being physically secured to a stationary object (15 CCR §1146).

Examples of secure detention include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area; i.e. prisoner processing center within CSIB.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact with adult prisoners.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under WIC §601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

324.3 AUTHORITY TO DETAIN

Legal authority for taking custody of juvenile offenders is found in WIC §625.

324.3.1 ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her Miranda rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (WIC §625) .

324.4 TYPE OF CUSTODY

324.4.1 JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Fresno Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure detention (42 USC §5633; WIC §206).

324.4.2 STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Status offenders shall not be held in secure detention (42 USC §5633).

324.4.3 JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure detention while at the Fresno Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

A juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (WIC §625).

324.5. JUVENILE DETENTION LOGS

Any time a juvenile is held in custody at a Department facility, the detention shall be promptly and properly documented in the juvenile detention log.

324.6 JUVENILE CONTACTS AT SCHOOL FACILITIES

Officers should make every reasonable effort to notify school officials prior to contacting a student on campus while school is in session.

324.7 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.7.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

A copy of the current policy of the Juvenile Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual. Such releases are authorized by WIC §827.

324.8.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

324.8.5 DEATH OF A JUVENILE WHILE DETAINED

In the event of a juvenile's death while being detained at this department, the District Attorney's Office and the Sheriff-Coroner's Office will conduct the investigation of the circumstances surrounding the death. The Investigative Services Division Commander or his/her designee will conduct an administrative review of the incident.

324.9 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

Forced Entry**325.1 POLICY**

When exigent circumstances indicate an immediate threat to the life of a person other than a wanted or suicidal subject, officers are expected to take necessary action to preserve life, including forced entry. When no immediate threat to life exists, officers should request supervisor response and establish containment and control over the scene.

325.1.1 PURPOSE AND SCOPE

Due to increased risk, options other than forced entry should be explored whenever practical. Unless there is a need for immediate action to preserve life, officers should attempt to slow the pace of the call, request additional resources, and ensure scene containment. This policy provides general guidelines for Fresno Police Department personnel to consider when deciding whether or not into force entry to a location.

325.2 CONSIDERATIONS

Factors to consider when determining whether or not to force entry include, but are not limited to:

- (a) Seriousness of the suspected offense;*
- (b) Need or exigency to force entry immediately versus waiting for additional resources;*
- (c) Warning signs present (History at location, firearms present, etc.);*
- (d) Control of on-scene involved parties;*
- (e) Available force options;*
- (f) Availability of other resources such as Crisis Negotiators, mental health advocates, etc.;*
- (g) Whether to breach and hold vs. breach and enter immediately;*
- (h) Contingency plans if forced entry doesn't go as planned;*
- (i) Attempts to communicate with subject(s) inside location; and/or*
- (j) Any information indicating the subject is armed and barricaded.*

Fresno Police Department Procedure Manual

Elder / Dependent Adult Abuse

326.1 POLICY

The Fresno Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

326.11 PURPOSE AND SCOPE

The purpose of this policy is to provide members with guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification as required by law.

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare and Institutions Code §15610; et seq. and Penal Code §368).

Dependent Adult means any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24 hour health facility, as defined In Health and Safety Code §§1250, 1250.2, and 1250.3.

Elder means any person residing in this state, 65 years of age or older.

Financial Abuse means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property by undue influence or intent to defraud (Welfare and Institutions Code §15610.30).

Abuse of an Elder or a Dependent Adult means physical abuse including but not limited to any assault or sex crime, (Welfare and Institutions Code §15610.63) neglect, financial abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
- (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

Fresno Police Department Policy Manual

Discrimination, Harassment, and Retaliation

328.1 POLICY

The Fresno Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The Department will take preventative, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect. All complaints will be fairly, timely, and thoroughly investigated. All parties will be accorded appropriate due process and conclusions will be based on the evidence collected.

328.1.1 PURPOSE AND SCOPE

To prevent members from being subjected to discrimination or sexual harassment and to ensure full equal employment opportunity, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act and the guidelines issued by the California Fair Employment and Housing Commission will be adhered to.

328.2 DEFINITIONS

328.2.1 DISCRIMINATION

Any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of race, color, ancestry, religious creed, national origin, sex, sexual orientation, gender, gender identity, gender expression, physical disability (including HIV and AIDS), mental disability, medical condition, genetic information, age, marital status, military and veteran status, or denial of family and medical care leave or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated in Policy Manual §328.2.1 of this order.

328.2.2 SEXUAL HARASSMENT

(a) Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; and/or
3. Conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

(b) Discrimination/harassment does not include the following:

1. Bona fide acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission Guidelines; and/or
2. Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or departmental rules or regulations, or any other appropriate work related communication between supervisor and employee.

328.2.3 RETALIATION

An adverse action taken against an employee for making a complaint of discrimination or harassment, or for cooperating in the investigation of such allegations.

328.2.4 PROTECTED CLASSES DEFINED

Age- The chronological age of any individual who has reached his or her 40th birthday.

Gender- A person's sex, gender identity and gender expression.

Gender Expression- A person's gender-related appearance or behavior, whether or not stereotypically associated with the persons' sex at birth.

Gender Identity- A person's identification as male, female, a gender different from the person's sex at birth, or transgender.

Genetic characteristic- Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his/her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

Genetic Information- A person's genetic tests and the genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history); An individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Medical Condition- Any health impairment related to or associated with any genetic characteristics or a diagnosis of cancer, a record, or history of cancer.

Mental disability- Includes, but is not limited to, all of the following:

- Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity.
-

Physical disability- Includes, but is not limited to, all of the following:

- Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; and
 - Limits a major life activity.

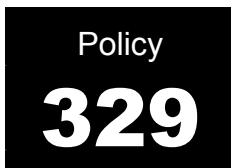
Religion/ religious creed- Include all aspects of religious belief, observance, and practice, including religious dress and grooming practices.

Sex- A person's biological or anatomical identity as male or female; which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, and breastfeeding.

Transgender- A person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression different from social expectations of the sex assigned at birth and may or may not identify as transsexual.

328.3 RESPONSIBILITIES

This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, City Administrative Order 2-16, professional law enforcement standards (CALEA, POST, IACP, etc.), and the best interest of the Department and its mission.



Assaults

329.1 POLICY

Any allegation of a criminal assault being committed will be investigated to the fullest extent by members of this Department with appropriate, timely, and accurate evidence collected if possible.

329.1.1 PURPOSE AND SCOPE

To ensure that no assault is unreported and ensure that efforts are made to collect and archive all evidence to aid in the prosecution of the perpetrator.

Child Abuse Reporting

330.1 POLICY

The Fresno Police Department treats reports of crime against children involving suspected abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

330.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for reports of suspected child abuse and the taking of minors into protective custody.

330.2 DEFINITIONS

For purposes of this section the following definitions are provided:

Child - means a person under the age of 18-years.

Child Abuse - means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 11165.6).

Child Protective Agency - means a police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.

330.3 CHILD ABUSE REPORTING

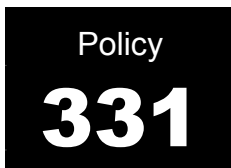
Pursuant to Penal Code § 11165.9, this Department is defined as a "child protective agency". All members of this Department are responsible for the proper reporting of child abuse. Any member who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to Penal Code § 11166.

330.3.1 RELEASE OF REPORTS

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

330.4 TEMPORARY CUSTODY OF JUVENILES

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse.



Threatening / Annoying Phone Calls

331.1 POLICY

Members assigned to investigate or who receive a report of a possible phone offense shall determine the seriousness of the threat as defined in Penal Code § 653 (m), and contact the reporting party either in person or via telephone as appropriate.

331.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure all reports of telephone threats are taken seriously and investigated effectively utilizing available resources.

Missing Person Reporting

332.1 POLICY

Members shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property (Penal Code § 14205(a)). Reports shall be taken on missing persons regardless of jurisdiction.

PURPOSE AND SCOPE

This policy establishes the criteria for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 and §§ 14250 and 14251, Welfare and Institutions Code § 1300, as well as 42 USC 5779(a), specify certain requirements relating to missing persons.

332.1.1 DEFINITIONS (PENAL CODE § 14213)

Missing Person—Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code § 277.

Missing person also includes any child who is missing voluntarily (runaway juvenile), involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

Exception: Adults who have no known mental deficiencies, and who are in no apparent danger, but who freely and voluntarily choose to end contact with friends, relatives, associates, or caretakers, shall not be considered nor handled as missing persons. (Members may initiate an attempt to locate broadcast, as a public service.)

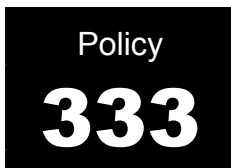
At-Risk - Includes, but is not limited to, evidence or indications of any of the following:

- The person missing is the victim of a crime or foul play;
- The person missing is in need of medical attention;
- The person missing has no pattern of running away or disappearing;
- The person missing may be the victim of a parental abduction/kidnapping; and/or
- The person missing is mentally impaired.

Child - While California considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty-one years to be a child.

332.2 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.



Drug Influence Cases

333.1 POLICY

Officers who encounter a person who appears to be under the influence of drugs should detain the person and investigate.

333.1.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the public and individuals from the dangers associated with being under the influence of drugs.

Fresno Police Department Policy Manual

Public Alerts

334.1 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

334.3 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

334.4 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing.

(Government Code §8594.10)

334.5 YELLOW ALERTS

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or serious bodily injury (Vehicle Code § 20001; Government Code § 8594.15).

Drug Enforcement

335.1 POLICY

Department members will investigate allegations of marijuana cultivation, illegal drug laboratories, and narcotic sales in the City of Fresno.

335.1.1 PURPOSE AND SCOPE

The intent of this policy to control illegal narcotics activity with regards to marijuana cultivation, drug laboratories, and narcotic sales and operations utilizing appropriate local, state, and federal resources.

Fresno Police Department Policy Manual

Victim and Witness Assistance

336.1 POLICY

Every member investigating a crime will ensure the victim and/or witness has been provided with information about the existence of local victim services *and a copy of the Victim's Bill of Rights, also known as Marsy's Rights.*

336.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 DEFINITIONS

California Constitution, Section 28, Article 1 and Penal Code §679 provide definitions for the following:

336.2.1 VICTIM DEFINED

In accordance with California Constitution, Section 28, Article 1, "Victim" shall mean a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated.

The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.

336.2.2 WITNESS DEFINED

In accordance with Penal Code §679.01, "Witness" shall mean any person who has been or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.

336.2.3 CRIME DEFINED

Penal Code §679.01 defines a crime as an act committed in this state which, if committed by a competent adult, would constitute a misdemeanor or felony.

Animal Problems

337.1 POLICY

When called upon, members will assist to the extent necessary to maintain peace and the public safety on animal related incidents.

337.1.1 PURPOSE AND SCOPE

While the Department does not act in the role of animal control or provide that service to the public, it is often called upon as a "first responder" to such calls. As such, every effort must be made to ensure the public is not placed in harms way, is provided necessary medical aid if needed and is afforded the proper referrals and documentation to maintain the public peace.

337.3 OWNER'S RESPONSIBILITIES

When the owner of a dog that has bitten a person is located, the owner shall be informed that he/she is required by Fresno Municipal Code (FMC) § 10-322 to quarantine the animal and report the incident to the Fresno County Health Department.

337.3.1 IMPOUNDING ANIMALS WHICH HAVE BITTEN

Animals that have attacked, bitten, and/or injured any person or other animal may be impounded when the owner is unavailable, unwilling, or unable to quarantine the animal. The SPCA shall be requested to respond to impound the animal pursuant to FMC § 10-310.

Fresno Police Department Policy Manual

Hate Crimes

338.1 POLICY

This Department will utilize all available resources to see that justice is served under the law when an individual's guaranteed rights are infringed upon by violence, threats or other harassment.

338.1.1 PURPOSE AND SCOPE

This Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. This policy has been developed to meet or exceed the provisions of Penal Code §13519.6(c) and provides members of this Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Hate Crime – PC §422.55(a) defines a hate crime as either a violation of PC §422.6 or a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability;
- (b) Gender, gender identity, or gender expression;
- (c) Nationality;
- (d) Race or ethnicity;
- (e) Religion;
- (f) Sexual orientation; or
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 - 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (PC §422.6).
 - 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim [PC §422.6(b)].
 - 3. Terrorizing a person with a swastika or burning cross (PC §11411).
 - 4. Vandalizing a place of worship (PC §594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC §249).

Hate Incident – A hate incident is any event or circumstance that is motivated by bias against any race, color, religion, ancestry, national origin, disability, gender, or sexual orientation which does not rise to the level of criminal activity.

338.3 TRAINING

All members of this Department will receive POST approved training on hate crime recognition and investigation as provided by PC §13519.6.

Anti-Reproductive (Abortion) Rights Crimes Reporting

339.1 POLICY

The Department will follow the established procedures for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

339.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered ARRC when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

Fresno Police Department Policy Manual

Disciplinary Policy

340.1 POLICY

The Department will only administer the minimal amount of punitive discipline to any employee to ensure compliance for violations of any policy established by this Department. Discipline shall be based on the employee's disciplinary history, severity of the violation, and any other factors, in accordance with this policy, the employees' respective MOU, and established laws.

340.1.1 PURPOSE AND SCOPE

To provide employees with guidelines for their conduct in order that they may participate in meeting the goals of this Department in serving the community. This policy shall apply to all employees of this Department (including part-time and reserve employees).

Employees violating their oath and/or trust by committing an offense punishable under the laws or statutes of the United States, the State of California, or the ordinances of the City, or who violate any provision of the Policy Manual, or who are incompetent to perform their duties are subject to corrective or disciplinary action.

A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action. This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care.

340.2 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual §1020. Pursuant to Government Code §§3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.2.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her *Bureau Commander* within ten days of receipt of the written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the *Bureau Commander* within 30 days. The decision of the *Bureau Commander* to sustain, modify or dismiss the written reprimand shall be considered final.

340.3 CORRECTIVE AND DISCIPLINARY ACTIONS

The primary purpose of the corrective or disciplinary action is to invoke positive behavioral change.

Except as otherwise provided in this order, corrective or disciplinary actions are subject to the provisions of the FMC and the rules of the Civil Service Board (CSB). Nothing herein constitutes a waiver of rights of employees otherwise granted by law.

340.3.1 COUNSELING

Oral Counseling and Letters of Understanding/ Counseling are appropriate when the problem is a lack of understanding of the policies, regulations, procedures, and requirements of the job rather than intentional disregard thereof.

340.3.2 ORAL REPRIMANDS

Oral reprimands are for minor offenses arising from the intentional or unintentional disregard for policies, regulations, procedures or requirements of the job.

340.3.3 NON-DISCIPLINARY EMERGENCY SUSPENSIONS FROM DUTY

Managers and supervisors have the authority to impose a non-disciplinary emergency suspension, until the next business day, against a subordinate employee when it appears the action is in the best interest of the Department.

340.4 SWORN PERSONNEL

For purposes of §§340.4.1-340.4.5 only, the terms "employee" and "employees" refer to recruits, officers, and sergeants represented by the FPOA.

340.4.1 DISCIPLINARY ACTIONS ALLOWED

Discipline is designed to modify unacceptable performance or behavior, and is used when corrective action has failed, or would be inappropriate for the issue at hand. Discipline may include any of the following:

- (a). Letter of Reprimand;
- (b). Fine (up to \$100 in lieu of suspension);
- (c). Suspension (up to 30 calendar days without pay);
- (d). Demotion; and/or
- (e). Termination.

340.4.2 CORRECTIVE ACTION

Corrective action is designed to inform an employee of unacceptable performance or behavior, and afford the employee a choice to modify the performance or behavior in the future or face progressive disciplinary action. Corrective action may include any of the following:

Oral counseling;

- (a). Letter of counseling;
- (b). Oral reprimand; and
- (c). Documented oral reprimand.

Corrective action is to be used in lieu of disciplinary action, whenever appropriate. When, during the course of the corrective action, the Department concludes that disciplinary action is warranted, the corrective action process will end and any further contact with the employee will conform to the disciplinary action process.

The decision to document corrective actions in a letter of counseling or memorandum (documented oral reprimand), shall be generally based upon the fact that an issue has previously been addressed or is of a level of seriousness that should be recorded for future reference.

340.4.3 DOCUMENTED ORAL REPRIMANDS

Documented oral reprimands, like oral reprimands, are for minor offenses arising from the intentional or unintentional disregard of policies, regulations, procedures or requirements of the job.

340.4.4 SUPERVISORS OBSERVATION LOG

A supervisor's observation log has been created to maintain a record of oral counseling, oral reprimands, and positive performances for potential inclusion in the employee's performance evaluation.

340.4.5 AUTHORITY TO DISCIPLINE

Except for emergency suspensions, all Departmental discipline must be taken or approved as contained in this section.

- (a). Letters of Reprimand, fines, and suspensions shall be proposed by a Division Commander or the Chief of Police.

- (b). Dismissals or demotions shall be proposed by the Chief of Police.
- (c). The Skelly process for fines and suspensions shall be conducted by the *Professional Standards* Division Commander.
- (d). The Skelly process for dismissals and demotions shall be conducted by the Chief of Police.

340.5 NON-SWORN PERSONNEL

In §§340.5.1 through 340.5.4 the terms "employee" and "employees" refer to all personnel other than recruits, officers, and sergeants represented by the FPOA.

340.5.1 AUTHORITY TO DISCIPLINE

Final Departmental authority and responsibility rests with the Chief of Police or designee and in some cases is subject to the approval of the City Manager. Except for emergency suspensions and reprimands, all Departmental discipline must be taken or approved by the Chief of Police or designee.

340.5.2 DISCIPLINARY ACTIONS ALLOWED

Subject to the provisions of the FMC, the rules of the Civil Service Board and when necessary, with the approval of the City Manager, the following discipline may be assessed against employees by the Chief of Police or designee:

- (a). Oral Reprimand
- (b). Written Reprimand
- (c). Suspension (up to 30 calendar days without pay)
- (d). Fine (up to \$100 in lieu of suspension)
- (e). Demotion
- (f). Termination

340.5.3 DOCUMENTING TRAINING AND COUNSELING

Written comments with regard to training or counseling given to an employee by a supervisor are not considered written reprimands, nor are they disciplinary actions. Such comments are merely written documentation that training or counseling has been given.

340.5.4 NOTIFICATION OF PENDING DISCIPLINARY ACTION

When an employee is to be terminated, demoted, or suspended, receives a fine, or a letter of reprimand, the employee should be notified at least seven calendar days prior to service of the order of discipline. The notification is for the purpose of allowing such employee an opportunity to respond orally or in writing to the Chief of Police, or designee.

340.6 EXEMPT EMPLOYEES UNDER FAIR LABOR STANDARDS ACT

Exempt employees may not be suspended for a period of less than one week, except for major safety violations. Fines are not a permissible form of discipline for exempt employees. Based on the salary resolution the following employees are exempt under the Fair Labor Standards Act:

- (a). Police Lieutenant;
- (b). Police Captain;
- (c). Deputy Police Chief;
- (d). Assistant Police Chief;
- (e). Crime Scene Bureau Manager;
- (f). Emergency Services Communications Supervisor;
- (g). Police Data Processing Supervisor;
- (h). Emergency Services Communications Manager;
- (i). Records Supervisor;
- (j). Data Base Administrator;
- (k). Executive Secretary;
- (l). Management Analyst;
- (m). Chief Police Pilot; and
- (n). Records Manager

340.7 ENDORSEMENT & FORWARDING OF DISCIPLINARY REPORTS

Each staff level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsements may be of agreement, modification, or disagreement to the recommendation. No employee shall alter, cause to be altered, or withdraw any completed disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but shall be reviewed, endorsed for agreement, modification, or disagreement, and forwarded no later than five business days after receipt.

340.8 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.9 PROHIBITED DEPARTMENT ACTIONS

No employee shall be subjected to disciplinary action, or denied promotion, or be threatened with any such treatment because of the exercise of any rights provided in this Manual, or provided in the Government Code §3301, et seq.

Fresno Police Department Policy Manual

Performance Standards

341.1 POLICY

Members should be conscientious, prompt and attentive to their duties and shall perform those duties to the best of their abilities.

341.1.1 PURPOSE AND SCOPE

The continued employment of every member of this Department shall be based on conduct and cooperation that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

A member's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the member's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

Performance concerns should be handled on a timely basis and at the lowest, most informal level possible. Performance concerns or violations of rules may result in corrective or disciplinary actions.

341.1.2 INTEGRITY

Members of this Department are entrusted by the public to perform their duties with the highest degree of integrity. We are held to this high standard in both our professional and personal lives. This trust empowers us to complete our mission. When this trust is eroded we are no longer effective as police officers. Members shall demonstrate the highest degree of integrity at all times and avoid any act which bespeaks a lack of integrity or the mere appearance of a lack of integrity.

341.1.3 CODE OF ETHICS

All officers will abide by the Law Enforcement Code of Ethics as listed in this Manual. All civilian members will abide by the Civilian Member Code of Ethics as listed in this Manual. At a minimum, all members will receive ethics training biennially.

341.2 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to the Department:

341.2.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval;
- (b) Unexcused or unauthorized absence on scheduled day(s) of work; or
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

341.2.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another;
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action;
- (c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records;

- (d) Engaging in potentially dangerous "horseplay" resulting in injury or property damage or the reasonable possibility thereof;
- (e) Unauthorized possession of, loss of, or damage to Department property or the property of others or endangering it through unreasonable carelessness or maliciousness;
- (f) Failure of any member to report activities on their own part or the part of any other member where such activities may result in criminal prosecution or discipline under this policy;
- (g) Failure of any member to report activities that have resulted in official contact by any other law enforcement agency;
- (h) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police;
- (i) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department;
- (j) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity;
- (k) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact; or
- (l) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Fresno Police Department on any personal or social networking (e.g. MySpace.com, Facebook.com, etc.) or other website or web page, without the express written permission of the Chief of Police.

341.2.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, ethnicity, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition, immigration status, housing status, occupation, language fluency, or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

341.2.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the member's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants;
- (b) Unauthorized possession, use of, or attempt to bring intoxicants to the work site, except as authorized in the performance of an official assignment. A member who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance;
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the member's ability to perform assigned duties; or
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

341.2.5 PERFORMANCE

- (a) Failure to devote on-duty time to activities related to the performance of their assigned duties;
- (b) Unauthorized sleeping, shopping, or reading of non-work related materials, during on-duty time or assignments;
- (c) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned;
- (d) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse;

- (e) Concealing or attempting to conceal defective work, removing or destroying it without permission;
- (f) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee;
- (g) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose;
- (h) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof;
- (i) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof;
- (j) The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document;
- (k) Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the member or any unauthorized person(s);
- (l) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose;
- (m) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties;
- (n) Any knowing or negligent violation of the provisions of the Department Manual, operating procedures or other written directive of an authorized supervisor. Members shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the members;
- (o) Work related dishonesty, including attempted or actual theft of Department property, services or the property of others;
- (p) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty);
- (q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form;
- (r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures;
- (s) Substantiated, active, continuing association with or membership in "gang," "organized crime" and/or "criminal syndicates" with knowledge thereof, except as specifically directed and authorized by the Department;
- (t) Offer or acceptance of a bribe or gratuity or extending/accepting preferential treatment;
- (u) Misappropriation or misuse of public funds;
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct;
- (w) Unlawful gambling or unlawful betting on Department premises or at any work site;
- (x) Substantiated, active, continuing association on a personal, rather than official, basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the member has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department;
- (y) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on Department property except as expressly authorized;
- (z) Engaging in political activities during assigned working hours except as expressly authorized;
- (aa) Violating any misdemeanor or felony statute;
- (ab) Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members;
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position;
- (ad) False or misleading statements to a supervisor;

- (ae) Failure to provide proper referrals for needed services or assistance beyond the scope of police services;
- (af) Failure to provide all proper Departmental identifying information upon request (i.e. name and badge number); or
- (ag) Becoming "personally" involved in any call or investigation where a friend, relative, or neighbor is involved.

341.2.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities or to use required protective clothing or equipment;
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours;
- (c) Substantiated member record of unsafe or improper driving habits or actions in the course of employment;
- (d) Failure to maintain good physical condition sufficient to adequately perform law enforcement duties;
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment; or
- (f) Subjecting themselves to unnecessary risks or courses of action when a safer alternative is reasonably available.

341.2.7 SECURITY

Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

341.3 SUPERVISOR RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that members adhere to the policies and procedures of this Department and the actions of all members comply with all laws;
- (b) Failure of a supervisor to timely report known misconduct of a member to his or her immediate supervisor or to document such misconduct appropriately or as required by policy; or
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

341.4 DISCRETION

Many incidents that members handle do not involve law violations and are not covered by any written policy, regulation or procedure. Members shall have full discretion in the handling of these types of incidents, within the confines of law, ethics, professionalism, and propriety. Members shall be held accountable for using good judgment and taking reasonable and proper actions in handling these types of situations.

341.5 SUPERIOR-SUBORDINATE RELATIONSHIPS

Authority shall be exercised in a firm but fair manner. Superior members shall support subordinates in their actions when they can reasonably do so and shall avoid censuring subordinates in the presence of others. Superior members are strictly forbidden from censuring or discrediting those under their command in a tyrannical or abusive manner. When on duty and in the presence of the public, superiors and subordinates shall refer to one another by their rank or title.

Department Computer Use (Non-MDS)

342.1 POLICY

Members will adhere to the protocols established by the Information Services Bureau to maintain the integrity, usability, and general functions of Departmental computers, software and systems at all times.

342.1.1 PURPOSE AND SCOPE

This policy describes the use of Department computers, software, and systems.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Fresno Police Department, which are provided for official use by agency members.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

A member's supervisor has the authority to monitor, inspect, or review the system, any and all files and related electronic systems or devices, and any contents thereof.

Monitoring as prescribed may include physical inspection of the computer, remote monitoring of the computer, and/or use of any other means available.

342.4 DEPARTMENT PROPERTY

All information, data, documents and other entries initiated on any of the Department's computers, whether downloaded or transferred from the original Department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Departmental use without the expressed authorization of a member's supervisor.

342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Members shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes.

No member shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the Department while on Department premises or on a Department computer system.

Fresno Police Department

Policy Manual

Department Computer Use (Non-MDS)

342.6 INTERNET USE

Internet access provided by the Department shall be strictly limited to Department-related business activities.

Downloaded information shall be limited to messages, mail, and data files. No copyrighted and/or unlicensed software program files may be downloaded.

Nothing in this order shall prohibit any member, in official capacity, from acquiring information from the Internet during the course and scope of an investigation or while conducting Department related research.

Streaming audio/video shall not be utilized unless this traffic is for City business such as City Council Meeting monitoring, online training, research, etc. Members shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

342.7.1 PASSWORDS

Network, Data911, LexisNexis, or other log-on passwords issued by the Department shall not be disclosed or shared with anyone. Members who acquire the network, Data911, LexisNexis, or other log-on password of another are prohibited from using or sharing that password and shall promptly inform the authorized holder of the password so that it may be changed. A supervisor must approve any situation which requires the sharing of a password and/or network files and shall notify the Network System Specialist or Information Services Manager that the password has been shared.

342.7.2 USE OF OTHERS' COMPUTERS

Computers that are assigned to individual members are only for the use of the person assigned. In the case of shared computers, only members with authorization of the unit supervisor may access, utilize, or modify the shared computer.

342.7.3 ACCESS SECURITY

In order to minimize access by unauthorized persons, members shall close all applications and log-off from their assigned computer at the end of their duty shift or when they are going to be away from their computer for extended periods of time. Additionally, members shall not leave confidential documents on their computer screens; which, could be read by unauthorized persons. (With Windows 2000™, the screen can be secured using Alt-Ctrl-Del to secure the system during temporary or brief absences.)

It is prohibited for a member to allow an unauthorized user to access the system at any time or for any reason.

342.8 MODIFICATION OF COMPUTER SETTINGS

Modifications to computer settings, in general, are to be made only by members who are properly trained to do so.

Fresno Police Department

Policy Manual

Department Computer Use (Non-MDS)

342.9 REGULATORY EXCEPTION

The Network System Specialist, Information Services Bureau Manager and their designees shall be exempt from the regulations of this order as is necessary to conduct duty related business.

342.9.1 NOTICE OF EMPLOYEE SEPARATION AND USER ACCOUNTS

Upon exit from the City of Fresno employment or volunteer services, assigned supervisors should forward that individual's name to the Information Services Bureau Manager.

Fresno Police Department Policy Manual

Report Preparation

344.1 POLICY

A Crime Report shall be prepared whenever any reported crime has been committed or is logically suspected of having been committed in the City. All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not repress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing.

344.1.1 PURPOSE AND SCOPE

The purpose of reports is to document sufficient information to refresh the member's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.2 INCIDENT/CASE NUMBERING

The Department employs a single, unique, incident and case numbering system. Each incident that is created receives a Computer Aided Dispatch (CAD) incident number beginning with the year, two letters (starting with AA), and then four digits. Example: 10AB2243. Each incident that is a crime report or non-criminal report is assigned a CAD incident number. Both incident and case numbers reset on January 1 at 00:00:01.

344.2 REPORT COMPLETION

The reporting member shall list his/her full name and badge number as well as provide the full name and badge number of all assisting members on all reports.

344.2.1 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound.

344.3 TELEPHONIC REPORTING

When the priority of the call (i.e. 7, 8, "T") or the type of call indicates it may be handled telephonically, a member's physical presence is not required.

344.4 SYNOPTICAL REPORT

A crime report is required in any criminal investigation where there is an identifiable suspect or where there is physical evidence which could lead to the identification of a suspect.

The Synoptical Report may be used by members to document pertinent information by assigning a case number to an event in lieu of completing a full police report.

Copies of the Synoptical report printouts may be obtained from the Records Bureau.

Fires / Arson

345.1 POLICY

Department members will assist the Fresno Fire Department (FFD) and members of the public as necessary on any fire related calls to ensure public safety and maintain order.

345.1.1 PURPOSE AND SCOPE

Although the primary function of the Department is not one of fire control it is often called upon as a "first responder" and will often arrive before the FFD personnel or discover fires before they are reported. As such, members must act to provide for the safety of the public, limit property damage when able, and assist the FFD as needed.

345.2 SPECTATORS

Officers shall keep spectators who may become a source of interference, from approaching a fire. The distance at which spectators should be kept will depend on the seriousness of the fire, the probability of an explosion, and/or exposure to hazardous materials. Media access to the scene is governed by Policy Manual § 346.

Fresno Police Department Policy Manual

News Media Relations

346.1 POLICY

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor.

346.1.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Sergeants and designated Public Information Officer(s) (PIO) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of the Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department PIO;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department;
- (c) Under no circumstance should any member of the Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions [Penal Code §409.5(d)]:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public;
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities (e.g., Text message the location to the media);
- (c) No member of the Department shall be subjected to media visits or interviews without the consent of the involved member [Government Code §3303(e)]; and
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will provide information to members of the media on a daily basis through the following methods:

- Social Media Updates - The Department social media site will be updated with items of significant interest to the media on a daily basis (See Policy Manual §1058);

- Text Messaging – Text Messages shall be sent to members of the media as soon as possible after newsworthy events to allow the opportunity for on-the-scene coverage;
- Crime Data – Crime data is available for download via the City of Fresno web site; and
- M.A.R.S. – CAD calls are made available to members of the media through the MARS web site. This data is delayed 5 minutes for officer safety. Access to the information requires a user ID and password which are provided to members of the media by the PIO by request.

Information relating to crimes will be provided to the media. This information will be restricted to:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law; and
- (d) General facts of the case. This can be released at the discretion of the PIO and the investigator overseeing the case.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval from the Chief of Police, Department Legal Advisor, or a court order.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code §6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office unless prior approval has been obtained from the Chief of Police.

Any requests for copies of related reports or additional information shall be referred to the Department Legal Advisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code §6250, et seq.)

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual §1026)
 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act;
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code §20012);

- (c) Criminal history information;
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
- (e) Information pertaining to pending litigation involving this Department;
- (f) Information obtained in confidence; and/or
- (g) Any information that is otherwise privileged or restricted under state or federal law. [Government Code § 6254(k)].

Fresno Police Department Policy Manual
Sex Assault Offenses

PURPOSE AND SCOPE

The purpose of this policy to provide guidance to members investigating sexual assaults. Due to the sensitive nature of investigations dealing with sexual assaults, members shall demonstrate the utmost tact and consideration for the feelings of victims and their families during the investigation.

347.2 SEXUAL ASSAULT INVESTIGATIONS

In cases where a victim refuses to cooperate and expresses no desire for police involvement, members shall attempt to obtain as much information as possible. Members shall complete a report regardless of the intent of the victim.

Members shall provide all sexual assault victims with the Victim's Information Form (Penal Code §§264.2(a) and 13701), *and a copy of the Sexual Assault Investigative Letter (SAIL)*.

Court Appearance & Subpoenas

348.1.1 PURPOSE AND SCOPE

This policy has been established to provide for the acceptance of subpoenas and to ensure that members appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

Supervisory Responsibilities

349.1 POLICY

Supervisors shall be responsible for the proper completion of all work assigned to personnel under their command.

349.1.1 PURPOSE AND SCOPE

Supervisors shall be generally responsible for all of the activities of the personnel under their command. This shall apply whether or not the supervisor has exercised direct control over those activities.

349.2 GENERAL RESPONSIBILITIES

Supervisors shall be responsible for their own activities and for the proper completion of all work assigned to them, whether they do the work themselves or delegate it to subordinates.

Supervisors shall be responsible for ensuring the proper development of their assigned personnel through training, evaluation, counseling, guidance, commendation, discipline or other available means.

Supervisors are responsible for ensuring their superiors are continually appraised of all matters that affect personnel under the supervisor's command that may require Departmental action, impact the superior in the performance of his/her duties, or that may be of interest to other members of the Department or the public.

Supervisors are responsible for ensuring that officers assigned to them perform all their duties efficiently and expeditiously.

350.1 POLICY

The Fresno Police Department shall recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by the Department.

350.1.1 PURPOSE AND SCOPE

The Fresno Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment patrol officers and special events.

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The authority to appoint qualified persons to the position of reserve police officer is vested in the Chief of Police or his/her designee. All reserves shall be sworn in by the City Clerk and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

Reserve officers assist the Department in the enforcement of laws and in maintaining peace and order within the community.

350.3 DEFINITIONS

"General law enforcement duties" refers to duties which include the investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, and performing any enforcement action on the full range of law violations.

"Immediate supervision for Level II reserves" means the reserve officer acts under the direction of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training (P.O.S.T.), and is routinely in the physical proximity of and available to the reserve officer. However, allowance is permitted for necessary temporary separations.

"Working alone" refers to a qualified Level I reserve officer who works without immediate supervision and makes independent decisions. Two qualified Level I reserves, or a qualified Level I reserve and a regular officer, are not precluded from working together.

350.3.1 RESERVE OFFICER LEVELS

Level I – Refers to a sworn reserve officer trained as described in Penal Code §830.6(a)(1) who has successfully completed all P.O.S.T. requirements for the designation of Level I, and successfully completed all Department requirements for the designation of Level I, to include the Police Training Officer Program. Level I reserve officers may be assigned specific functions or to the prevention and detection of crime and general law enforcement duties. Once completed, this level of reserve may be assigned to work alone or supervise Level III reserve officers in lieu of a regular full-time peace officer.

Level II – Refers to a sworn reserve officer trained as described in Penal Code §832.6(a)(2), who have successfully completed all P.O.S.T. requirements for the designation of Level II, and successfully completed all Department requirements for the designation of Level II, to include the Police Training Officer Program. Level II reserve officers may be assigned to:

1. The prevention and detection of crime and general law enforcement duties, working under the immediate supervision of a peace officer possessing a basic POST certificate; or
2. Limited support duties such as traffic control, evidence transportation, and duties not likely to result in a physical arrest without immediate supervision.

Level III – Refers to a sworn reserve officer trained as described in Penal Code §832.6(a)(3), who have successfully completed all P.O.S.T. requirements for the designation of Level III, and successfully completed all Department requirements for the designation of Level III, to include the Police Training Officer Program. Level III reserve officers shall be supervised in the accessible vicinity by a Level I reserve officer or a full-time regular peace officer employed by a law enforcement agency authorized to have reserves and deployed in limited support duties not requiring general law enforcement powers in their routine performance. Those limited support duties shall include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers may transport prisoners without immediate supervision.

350.5 POLICY COMPLIANCE

Reserve police officers shall be required to adhere to all Departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies. Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.6 UNIFORM

Reserve officers shall conform to all uniform regulations and appearance standards of the Department, as listed in the Uniform Specifications Manual.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

A commander must approve any emergency call out for reserve officers by calling the Duty Office.

Fresno Police Department Policy Manual Juvenile Delinquency Prevention / Intervention Programs

351.1 POLICY

The Department, and each of its members, is committed to juvenile justice programs and procedures which *build relationships, prevent crime, and control* juvenile delinquency. In all circumstances, interaction between Department members and juveniles shall *work to* accomplish these goals and objectives.

351.1.1 PURPOSE AND SCOPE

Members who deal with juvenile offenders shall use the least coercive among reasonable alternatives available (reprimand & release, citation, arrest) that are appropriate under the circumstances.

351.2 PROGRAMS

Certain units within or associated with the Department are actively involved in the prevention and controlling of juvenile delinquency. Officers wishing to refer juveniles to the following programs shall contact the appropriate resource listed below:

- (a) **Police Activities League** – The primary function of the Police Activities League is to promote positive interaction between volunteers, off-duty law enforcement personnel, and youth through social, recreational and educational activities in order to *encourage* good values, acceptable behavior, and responsible citizenship.
- (b) **School Resource Officer** – School Resource Officers (SRO) are assigned to school campuses in the city and they work toward improving the quality of life. SRO's provide guidance on ethical issues; individual counseling and/or mentoring to students; and prevent criminal activity through high visibility patrol.
- (c) **Youth Liaison Officer** – *The Youth Liaison Officer (YLO) creates a healthy exchange of dialogue between the youth and law enforcement that will deepen trust, develop improved understanding, and foster a positive relationship. The YLO also assists with referring at-risk youth between the ages of 14 to 18 to an appropriate service provider depending on their need.*
- (d) **School Resource Chaplains** - *School Resource Chaplains (SRC's) are on campus to help identify and reduce crimes against children, provide a support element to families and staff, along with integrating socially acceptable life choices and behavior through an integration of "Resistance and Resilience Curriculum." SRC's spend their volunteer time in the classrooms teaching an evidence based curriculum which focuses on seven essential characteristics that are known to help deal with: stress and adversity; overcoming childhood disadvantage; a sense of hopelessness leading to stress disorders; alcohol and drug abuse; and gang association.*

At least annually, the above programs shall be reviewed by the responsible bureau, section, or unit commander, to justify their continuance.

Outside Agency Assistance

352.1 POLICY

It is the policy of this Department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Department, when another law enforcement agency requests assistance with an arrest or detention of any person. This Department may also request an outside agency to provide assistance.

352.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

352.1.2 COOPERATION WITH OTHER AGENCIES

In order to serve the public, the criminal justice system relies upon the cooperation of the police with other law enforcement agencies, prosecutors, courts and correctional officers to ensure the development of a safer community. Where possible members shall fully cooperate with outside criminal justice entities to allow for the greatest level of safety for the community and to strive towards successful prosecution of persons involved in criminal activity.

To facilitate this cooperation, the Department will establish a close working relationship with professional organizations directly involved with the planning of the judicial system's response to crime in the community. Programs such as the Prostitution Abatement Program, LifeSkills program, Crisis intervention Training, and involvement in CARE Fresno are examples of public and private collaborations with the Department that address social issues as they relate to law enforcement responses and needs within the community.

Custody of Adults

355.1 POLICY

Officers and Cadets shall exercise sufficient control over arrestees in their custody so as to minimize the potential for escape, injury, property damage, and/or evidence destruction.

355.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidelines for dealing with adults that have been placed in custody.

355.2 MIRANDA WARNINGS

While on duty, and when testifying in court, officers shall have in their possession the Department issued Miranda Warning card.

The "Warning" and "Waiver" are generally required prior to any questioning in which the arrested person in custody may incriminate himself/herself about the offense for which the person is in custody or before questioning about any offense in which prosecution may be pending against the person being questioned.

355.3.1 ARRESTEE REFUSES TREATMENT

When an arrestee refuses medical treatment, the officer/Cadet shall obtain a completed AMA form (leaving Against Medical Advice) from the attending physician. The form acknowledges that the arrestee has had the opportunity for medical care and elected to refuse treatment.

The arrestee shall then be booked consistent with existing procedures.

355.4 DETENTION RELEASES PENAL CODE 849 (B)

Officers may release from custody any person arrested without a warrant when:

- (a) He/she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested;
- (b) The person arrested was arrested for intoxication only, and no further proceedings are desirable; or
- (c) The person was arrested only for being under the influence of a controlled substance or drug and the person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

Megan's Law

356.1 POLICY

Members authorized and responsible will facilitate public access to information allowed by legislation on serious and high-risk sex offenders commonly referred to as "Megan's Law".

356.1.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law. (Penal Code §§ 290 and 290.4).

356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION

Whenever this Department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Chief of Police to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

356.2.1 LIMITATIONS ON EXTENDED RELEASE

Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

356.3 RELEASE OF INFORMATION VIA THE INTERNET

Information about a specific offender may be publicly disclosed by way of the Department Internet Web site only when the Department determines that such disclosure is necessary to ensure the public safety (Penal Code § 290.46(g)).

356.3.1 INFORMATION PROHIBITED FROM INTERNET RELEASE

The following information shall not be released over the department Internet Web site (Penal Code § 290.46(a)):

- Any information identifying the victim.
- The name and address of the offender's employer.
- All criminal history of the offender, other than the specific crimes for which the person is required to register.

Fresno Police Department

Policy Manual

Megan's Law

356.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE

For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the Department Internet Web site:

- (a) The offender's full name;
- (b) The offender's known aliases;
- (c) The offender's gender;
- (d) The offender's race;
- (e) The offender's physical description;
- (f) The offender's photograph;
- (g) The offender's date of birth;
- (h) Crimes resulting in the registration of the offender under Penal Code § 290;
- (i) The community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient; and
- (j) Any other information which the Department deems relevant, such as:
 - 1. Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense);
 - 2. Type of victim targeted by the offender;
 - 3. Relevant parole or probation conditions, such as prohibiting contact with children;
 - 4. Dates of crimes resulting in current classification;
 - 5. Dates of release from confinement; and
 - 6. The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the Department Internet Web site in addition to the above.

Before releasing the address of any offender, the officer shall verify that the information is correct.

356.3.3 RECORD OF DISCLOSURE

The release of such information shall be noted by entering the notification into the comment field on the offender's Supervised Release File record.

356.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:

- (a) The offender's full name;
- (b) The offender's known aliases;
- (c) The offender's gender;
- (d) The offender's race;
- (e) The offender's physical description;

Fresno Police Department

Policy Manual

Megan's Law

- (f) The offender's photograph;
- (g) The offender's date of birth;
- (h) Crimes resulting in the registration of the offender under Penal Code § 290; and
- (i) The date of last registration.

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d)(1).

356.4 PUBLIC INQUIRIES

As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan's Law Web site maintained by the Department of Justice (www.meganslaw.ca.gov). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).

Fresno Police Department Policy Manual

Civil Problems/Court Orders

357.1 POLICY

When responding to calls involving civil matters, an officer's duty extends only to preserving the peace and taking enforcement action, as appropriate, for any criminal violations observed by the officer.

357.1.1 PURPOSE AND SCOPE

Civil problems, although not usually criminal in nature, can involve varying emotional responses for the parties involved as they seek police assistance in trying to resolve their disagreements. The purpose of this policy is to provide general guidance for the officer's response to these incidents.

357.2 CIVIL PROBLEMS

Officers may be dispatched to assist citizens with civil problems including but not limited to:

- Child custody / visitation exchanges;
- Repossessions;
- Court order enforcement;
- Removal of tenants / trespassers; and
- Civil standby's to preserve the peace.

357.2.1 CHILD CUSTODY EXCHANGES/OFFICER ASSISTANCE

Requests for police response to perform a civil standby during a child custody/visitation exchange will be limited to the following guidelines:

- The officer's response is to preserve the peace;
- When the involved parties have a custody order *issued in California*, only the most recent order *may* be enforced;
- Each involved party will be provided with a referral list of Supervised Child Visitation and Supervised Exchange Agencies.

Any future custody or visitation exchanges should be conducted at a supervising exchange agency unless modified by court order or the parties mutually agree in writing to other provisions.

357.2.2 CHILD CUSTODY COMPLAINTS

HQ shall maintain copies of the Custody Order Violation Self Reporting Forms. Public Counter Records Clerks shall provide the report forms to citizens requesting a custody order violation report. Completed report forms shall be taken to HQ where a case number will be issued, placed on the report form and provided to the R/P.

Major Incident Notification

358.1 POLICY

Staff members are to be informed of certain incidents, in order to apprise their superiors and properly address inquiries from members of the media or public.

358.1.1 PURPOSE AND SCOPE

Incidents that are of a significant nature and that fall into the below listed criteria require notification of certain members of this Department.

358.2 MINIMUM CRITERIA FOR NOTIFICATION

The following list of incidents is provided as a guide for notification and is not intended to be all-inclusive:

- Homicide(s) or suspicious death(s);
- Fatal traffic collision(s);
- Officer-involved shooting, while on or off-duty (See Policy Manual § 310 for special notifications);
- Any member seriously injured or killed, while on or off duty;
- Death or serious injury of a City of Fresno official;
- Arrest of any Department member or City of Fresno official;
- Aircraft crash with major damage and/or injury or death;
- Any "in-custody" death(s);
- Major mutual aid request;
- A riot, major disturbance, or public catastrophe occurring in the City of Fresno;
- Bomb or credible bomb threat; and
- Any situation or incident where the media show a strong interest.

Sick / Injured / Deceased Persons

360.1 POLICY

Members will ensure that all sick or injured persons encountered are given emergency medical care required and all deaths are thoroughly investigated.

360.1.1 PURPOSE AND SCOPE

The investigation of cases involving death includes those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

One of an officer's primary responsibilities is to ensure the health and welfare of community members that need public safety services. Members shall also ensure adequate resources such as EMS and Fire respond as needed.

360.2 SICK AND INJURED PERSONS

360.2.1 FIRST AID-REQUESTING ADDITIONAL RESOURCES

When members encounter sick or injured persons, they shall render appropriate first aid, consistent with their training, to whatever extent is necessary.

Members shall also request EMS/Fire resources as needed to appropriately handle the event.

360.2.2 INDUSTRIAL ACCIDENTS

The FFD is the agency responsible for notifying Cal OSHA when called to an industrial accident involving a serious injury, illness, or death as outlined in the California Code of Regulations Title 8, § 342.

Members dispatched to such industrial accidents shall notify their supervisor and complete a casualty report containing all pertinent information on the incident.

Identity Theft

362.1 POLICY

All incidents of identity theft will be investigated and thoroughly documented when reported to this Department, regardless of the jurisdiction where the crime is being committed. Members will cooperate with other law enforcement agencies in the investigation of identity theft crimes.

362.1.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

Private Persons Arrests

364.1 POLICY

The Department will assist with all private person arrests that are made lawfully pursuant to Penal Code § 837. Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

364.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person arrests made pursuant to Penal Code § 837; however the provisions of Penal Code § 837 do not apply to juveniles pursuant to Welfare and Institutions Code § 625. (Refer to Policy Manual § 324).

364.2 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence; and/or
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.3 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Fresno Police Department Policy Manual

Limited English Proficiency Services

368.1 POLICY

The Department will take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, Section 601, 42 U.S.C. 2000d). Department members will inform members of the public that language assistance services are available free of charge to limited English proficiency (LEP) persons whom they encounter.

368.1.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from gaining meaningful access to, or an understanding of important rights, obligations and services. The purpose of this Policy is to establish effective guidelines consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, for Department personnel to follow when providing services to, or interacting with, LEP individuals.

368.1.2 DEFINITIONS

Bilingual - The ability to use two languages proficiently.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient. *LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English skills to function in one setting, but these skills may be insufficient in other situations.*

Primary Language - An individual's native tongue or the language in which an individual most effectively communicates.

Translation - The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

368.1.3 LEP PROGRAM RESPONSIBILITIES

The Department's LEP Program will be coordinated through the Commander of the Audit & Inspections Unit. The Commander will be responsible for the following:

- (a) Receiving and reviewing LEP services complaints; and
- (b) Conducting audits relative to Department LEP Programs, *including an annual review of demographic data, Language Line usage data, and Department reports documenting encounters with LEP individuals to ensure that the Department is providing meaningful access to LEP persons in all Department-conducted programs or activities.*

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages officers could encounter, this Department will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably therefore this analysis must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by officers or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area;

Fresno Police Department Policy Manual

Communications with Persons with Disabilities

370.1 POLICY

It is the policy of this Department to *ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities. The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.*

370.1.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.2 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - *These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.*

Deaf or hard of hearing - *An individual who has or is regarded as having substantially limited hearing with or without assistance.*

Qualified interpreter - *A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.*

370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department should consider all information reasonably available to them when determining how to communicate with an individual *with a disability*. These factors may include, but are not limited to:

- (a) *Members should not assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.*
- (b) *The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision);*
- (c) *The nature of the law enforcement contact (e.g., emergency vs. nonemergency, custodial vs. consensual contact, etc.); and*
- (d) *Availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.*

When considering these and other available *information* member(s) should carefully balance *all factors* to reasonably ensure meaningful access by individuals *with disabilities* to critical services while not imposing undue burdens on the Department or its members.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service. The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual;*
- (b) The nature, length and complexity of the communication involved; and*
- (c) The context of the communication.*

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter. Even if the person who is deaf or hard of hearing would prefer the use of a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

Safety permitting, when an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of this Department, consideration should be given to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this Department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. *The Department will not charge anyone for the expense of an accommodation.* Disabled individuals may elect to accept *department-provided auxiliary aids or services*, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored unless the member can adequately demonstrate that another effective method of communication exists under the circumstances.

Members should document the type of communication utilized in any related report and whether a individual *with a disability* elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

370.3.1 FIELD RESOURCES

Members are encouraged to utilize resources immediately available to them in any contact with a known or suspected person *with a disability*. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the member and a deaf or hard of hearing individual;*
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly;*

- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally *disabled* individual; and
- (d) *Utilization of certified interpreters and translators from the City of Fresno bilingual certification program.*

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, members may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.33 QUALIFIED INTERPRETER SERVICES

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) *Available within a reasonable amount of time generally not to exceed one hour;*
- (b) *Experienced in providing interpretation services related to law enforcement matters;*
- (c) *Familiar with the use of VRS and/or video remote interpreting service;*
- (d) *Certified in either American Sign Language (ASL) or Signed English (SE);*
- (e) *Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser; and*
- (f) *Knowledgeable of the ethical issues involved when providing interpreter services.*

Comcen will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or *hard of* hearing individuals upon approval of a supervisor. *No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).*

370.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). *Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications. The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).*

370.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL) *or Signed English (SE)*. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members

must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.3.6 FAMILY AND FRIENDS

While family and friends of an individual *with a disability* may frequently offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the individual *with a disability* and the individual offering services must be carefully considered (e.g., victim/suspect).

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available; and*
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.*

370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services, and individual rights are important, this Department will carefully consider reasonably available information in an effort to prioritize services to individuals *with disabilities* so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

When any member of this Department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved individual(s) *with disabilities*, such services should be noted in the related report. *Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member shall document why another method was used.*

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide individuals *with disabilities* with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for assistance with such services. Members will make every reasonable effort to promptly accommodate such individuals *with disabilities* utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate individuals *with disabilities* seeking more routine access to services and information from this Department.

370.4.2 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve individuals *with disabilities*. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved individuals *with disabilities*.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an individual *with a disability*. For example, it

would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.3 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

370.4.4 ARREST AND BOOKINGS

In an effort to ensure the rights of all individuals *with disabilities* are protected during arrest and bookings, this Department places a high priority on providing reasonable communication assistance during such situations.

Members providing such assistance shall also be aware of the inherent communication impediments to gathering information from individuals *with disabilities* throughout the booking process or any other situation in which an individual *with a disability* is within the control of Department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this Department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

370.4.5 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to individuals *with disabilities* and groups.

370.5 TRAINING

In an effort to ensure that all members in public contact positions (or having contact with those in custody) are properly trained, this Department will provide training in the following areas *during new member orientation*:

- (a) Member awareness of related policies, procedures, forms and available resources; , and
- (b) How to work effectively with in-person and telephone interpreters and related equipment.

Management staff will receive training even if they may not interact regularly with individuals with disabilities. This is to ensure they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Any updates to this policy or related procedure will be distributed to all members in the appropriate format. In addition, members will receive training related to the basics of ADA and appropriate ways of serving people with disabilities during the mandatory triennial anti-harassment/anti-discrimination training.

307.6 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers;*
- (b) ASL syntax and accepted abbreviations;*
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls; and*
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.*

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

- (b) The frequency with which LEP individuals are likely to come in contact with officers, programs or services;
- (c) The nature and importance of the contact, program, information or service provided; and
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or officers.

368.2.1 QUALIFYING INDIVIDUALS

While the Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. If a LEP individual chooses to provide his/her own interpreter, and precise, complete, and accurate interpretations are critical for law enforcement or legal reasons, or when the competency of the LEP individual's interpreter is not established, the Department may decide to provide its own, independent interpreter as well.

Officers should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source.

When the Department provides the LEP services, members shall first utilize certified interpreters and translators from the City of Fresno bilingual certification program.

When a certified interpreter is not available and the LEP service does not involve a felony violation of law, Department provided interpreter services may include, but are not limited to:

368.3.1 OTHER BILINGUAL STAFF

Members *that are bilingual but are* not certified as interpreters should be able to accurately listen to communication in one language and orally convert it to another language. When bilingual members of this Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

368.3.2 WRITTEN FORMS AND GUIDELINES

The Department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area. When appropriate, these forms will be conspicuously posted at the public counters and otherwise available upon request. For example, the Department's Personnel Complaint form and information about various Department programs and services should be made readily available to LEP individuals.

368.3.3 AUDIO RECORDINGS

From time to time, the Department may develop audio recordings of important information needed by LEP individuals. For example, officers may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES

Through the Language Line Services, the Department provides 24 hour telephone access to interpreters who speak more than 140 languages.

368.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources

developed by individual officers, the Volunteer Unit will attempt to maintain and update a list of qualified community volunteers.

368.3.6 FAMILY AND FRIENDS OF LEP INDIVIDUAL

While family and friends of an LEP individual may frequently offer to assist with Interpretation, officers should carefully consider the circumstances before relying on such individuals. Unless it is an emergency or critical situation, officers and other Department members should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information. Children should never be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect). Using family, friends and bystanders to provide interpretation could raise issues relating to confidentiality, privacy, and conflict of interest.

368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize language services so that they may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

When a criminal investigation involves a felony violation of law, every effort shall be made to utilize a certified interpreter or translator. Where a certified interpreter or translator is not available, LEP services may include, but are not limited to: Language Line Services, or non-certified Department members who can interpret. *In the event of an unforeseen or life threatening emergency*, family members, friends or bystanders may be used to interpret while waiting for a qualified interpreter to arrive.

When a member is required to complete a report or other documentation and interpretation and/or translation services are provided to any involved LEP individual(s), such services should be noted in the related report. When LEP services are provided and no police report is written, the LEP contact shall be documented by adding supplemental notes to the event or the public counter LEP log. Notes shall be made on the language spoken by the LEP person and the type of *language assistance* service provided.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for language services. Department members will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this Department.

368.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this Department places a high priority on providing competent *language assistance services* during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department members providing *language assistance* services or forms in these situations will make every reasonable effort to accurately *interpret* all communications with LEP individuals.

Members providing *language assistance* services shall be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of Department members. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal

inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members to make every reasonable effort to provide effective language services in these situations.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts. The scope and nature of these activities and contacts will inevitably vary. Each officer and/or supervisor must, assess each such situation to determine the need and availability for *interpretation and/or* translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that an officer is able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

368.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. The Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING

In an effort to ensure that all members in public contact positions (or having contact with those in custody) are properly trained, the Department will provide training in the following areas *during new member orientation*:

- (a) Member awareness of LEP policies, procedures, forms and available resources;
- (b) Members having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters; and
- (c) Training for management staff, even if they may not interact regularly with LEP individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Any updates to this policy, related procedure, or the LEP program will be distributed to all members in the appropriate format.

Fresno Police Department Policy Manual

Mandatory Employer Notification

372.1 POLICY

When any Department member makes an arrest, in accordance with Policy Manual §372.2, of any school or community care facility employee he/she shall notify his/her immediate supervisor to facilitate forwarding the information to the Chief of Police or his/her designee.

372.1.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when school (teacher and non-teacher) or community care facility employee has been arrested under certain circumstances.

372.2 MANDATORY EMPLOYEE ARREST REPORTING

In the event a school or community care facility employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §261(a), or Education Code §44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (HS §11591; PC §291).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §261(a), or Education Code §44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (HS §11591; PC §291).

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §261(a), or Education Code §44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (HS §11591; PC §291.1).

372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(9), or for any of the offenses enumerated in PC §290 or in PC §261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (HS §11591.5; PC §291.5).

372.2.5 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential treatment center or a foster family agency is arrested for child abuse (as defined in PC §11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (HS §1522.2).

Fresno Police Department Policy Manual

Blood and Urine Evidence Collection

373.1 POLICY

Blood and urine will only be collected as evidence in accordance with established procedures. Blood evidence will only be collected by licensed health care professionals.

373.1.1 PURPOSE AND SCOPE

To ensure that blood and urine evidence collection will be accomplished in the safest possible manner and to ensure the integrity of the evidence. Blood and urine may be collected in DUI, drug influence, or other criminal investigations.

373.2 BLOOD EVIDENCE

373.2.1 LEGAL REQUIREMENTS

Blood samples obtained from persons charged with DUI shall be collected, handled and preserved as required by 1219 and 1219.1 of Title 17 of the California Code of Regulations.

To ensure compliance with CVC §23158(g), Chemical Test Procedure, Central Valley Toxicology Inc. (CVT), will be responsible for the 'general supervision' of all blood draws performed by the Department's phlebotomists.

373.3 URINE EVIDENCE

The urine test should be taken at a Crime Scene *Investigation* Bureau holding cell. Officers shall accompany the suspect at all times, affording the arrestee a reasonable measure of privacy while maintaining adequate prisoner security and evidence integrity.

All urine tests shall be conducted by an officer of the same sex as the suspect.

373.3.1 URINE TEST

A urine test may be used under the following circumstances:

- If both the blood and breath tests are unavailable;
- If the driver submits to a breath test and later requests an additional test to be taken for later analysis, per Trombetta, and a blood test is not available;
- Unable to take a blood test due to medical reasons (e.g., hemophiliac, medication, etc.);
- For drug influence investigation; or
- Other non-specified investigations.

373.4 INJURED OR UNCONSCIOUS SUBJECTS

Any subject who is unconscious or deceased is considered incapable of withdrawing their consent for a blood draw for evidence purposes. An officer may direct medical staff to obtain the blood draw.

DNA Samples

374.1 PURPOSE & SCOPE

This policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code §295, et seq.).

PURPOSE AND SCOPE

Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual's criminal history record or, during regular business hours, by calling the Department of Justice at (510) 620-3300 and pressing "1-1" in the automated system [Penal Code §298(b)(5)].

374.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances under the Act, members of this Department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g., consent or a search warrant).

Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual's criminal history record or, during regular business hours, by calling the Department of Justice at (510) 620-3300 and pressing "1-1" in the automated system [Penal Code §298(b)(5)].

It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so [Penal Code §298.1(a)].

374.2.1 ARRESTEES

Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged *with a felony offense* is required to provide DNA samples [Penal Code §296.1(a)(1)(A)].

The January 1, 2009 provisions governing DNA sample collection from all adults arrested for any felony offense are not retroactive and so do not permit sample collection for arrests that took place prior to 2009.

374.2.2 SEX AND ARSON REGISTRANTS

Any adult or juvenile who is required to register as a sex offender under Penal Code §290 or arsonist under Penal Code §457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. [Penal Code §296(a)(3)].

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided [Penal Code §296.2(c)].

Fresno Police Department

Policy Manual

DNA Samples

374.3 OBTAINING DNA SAMPLES

Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer or other employee designated by a supervisor shall *transport the arrestee to the Fresno County Jail to complete the booking process where DNA samples will be obtained* in accordance with this policy.

374.4 RELATED STATUTES

It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (Penal Code § 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes [Penal Code §299.5(i)(1)(A)].

374.5 LITIGATION

The Chief of Police or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 in the event this Department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

Fresno Police Department Policy Manual

Gun Violence Restraining Orders

375.1 POLICY

It is the policy of the Fresno Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

375.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders.

375.2 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order (GVRO) - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving or otherwise having custody of any firearms or ammunition (Penal Code § 18100).

Immediate family member- Any spouse, whether by marriage or not; domestic partner; parent; child; any person related by consanguinity or affinity within second degree; or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household (Penal Code §422.4)

375.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

The GVRO laws establish three means of acquiring a restraining order:

1. Emergency GVRO;
2. Temporary GVRO; and
3. GVRO, issued after notice and a hearing.

The court may also issue a warrant to search and remove all firearms and ammunition from a prohibited person based on the sworn affidavit of a police officer that the prohibited person has failed to comply with the GVRO.

A person in possession of a firearm in violation of GVRO is guilty of a misdemeanor (Penal Code §18205).

Any person who files a petition for a GVRO that contains statements the person knows are false, or with intent to harass the subject of the petition for a GVRO is guilty of a misdemeanor (Penal Code §18200).

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of patrol to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Fresno, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions;
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.;
- (c) Calls for service, both routine and emergency in nature;
- (d) Investigation of both criminal and non-criminal acts;
- (e) The apprehension of criminal offenders;
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature;
- (g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies; and
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Fresno Police Department.

400.2.1 CRIME VIEW BUREAU

The Crime View Bureau is the central bureau for information exchange. Criminal information and intelligence reports can be submitted to the Records Bureau for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol member who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

Fresno Police Department

Policy Manual

Patrol Function

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Investigation Bureau for display of suspect information, intelligence reports and photographs. New Provisional Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Provisional Order will be placed on the briefing room clipboard.

400.3 STATISTICS

The Daily Activity Report (DAR, AKA: Stat Sheet) will be used by officers, CSO's, and Cadets assigned to patrol to record the number of certain key enforcement activities, including field interview cards submitted, calls for service handled, reports written, number of days worked, and sick leave used during the month.

Racial / Bias Based Profiling

402.1 POLICY

This Department will provide law enforcement services and enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity, or cultural differences as defined by law. No member shall practice racial/bias based profiling, nor allow other members to participate in these practices.

402.1.1 PURPOSE AND SCOPE

The Fresno Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve.

402.2 DEFINITION

Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

Re-Introduction To Patrol

403.1 POLICY

The re-introduction training process will be completed at the discretion of the district commander for any absence less than twelve months in duration.

403.1.1 PURPOSE AND SCOPE

Members leave patrol for different assignments and other reasons. Policies and procedures change frequently, as do legal requirements and laws. In order to re-acclimate the member to patrol, a re-introduction training process will be completed when the member has been away from patrol in excess of twelve months.

403.2 DISTRICT COMMANDER ROLE

When a member returns to patrol, the district commander of the assigned district shall notify the PTO Coordinator of the need to re-acclimate the returning member to patrol.

When a sergeant returns to patrol, the District Commander shall assign the returning sergeant to shadow an existing patrol sergeant for up to one week, generally.

403.3 POLICE TRAINING OFFICER (PTO) ROLE

The PTO will review a re-introduction package of materials that are developed by the PTO Coordinator, with the member and ensure that the member understands the material.

403.4 SERGEANT RE-ENTRY PROGRAM

The same purpose for re-entry training for officers/CSOs applies to sergeants.

Briefing

404.1 POLICY

The supervisor conducting "briefing" is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate employee in their absence or for training purposes.

404.1.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the member's assigned shift. Briefing provides an opportunity for important information exchange between members and supervisors. A supervisor generally will conduct briefing; however, subordinate members may with supervisor approval.

406.1 POLICY

The protection and integrity of a scene is of the utmost importance for the successful apprehension and prosecution of criminals. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.1.1 PURPOSE AND SCOPE

This policy provides an overview of the first responding officer's responsibilities at a crime scene or a major incident.

406.2 CRIME SCENE RESPONSIBILITY

The first responding officer at the scene of a crime is responsible for:

- Preservation of the crime scene;
- Officer and public safety; and
- Rendering medical aid for any injured party.

406.2.1 MAJOR INCIDENT RESPONSIBILITIES

The first responding officer at the scene of a major incident is responsible for observation of all conditions, events and additional information relevant to the incident.

406.3 TEMPORARY FLIGHT RESTRICTIONS

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Field Commander.

406.5 PUBLIC ENTRY INTO CRIME SCENES OR MAJOR INCIDENTS

No member of the public shall be allowed entry to a crime scene without good reason and legal right. All such entries shall be approved by the primary investigating member and any affected private property owner before they are allowed.

Any person(s) may be excluded from a crime scene when their presence may cause destruction or disruption of evidence.

The access to crime scenes by the media is explained in Policy Manual § 346.

406.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this Department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (HS §120155).

Fresno Police Department Policy Manual

Mass Arrests

407.1 POLICY

The Fresno Police Department has developed the following policy in order to address pre-planned events/incidents where mass arrests may occur.

407.1.1 PURPOSE AND SCOPE

This policy provides guidance for the coordination, deployment, and handling of a mass arrest incident as defined within this policy.

407.2 DEFINITION

Mass Arrest – Is defined as the arrest of persons during an event in which the number exceeds our Department's ability to:

- (a) Transport by normal means (e.g. patrol vehicles, wagons/vans); and
- (b) Is beyond the processing and temporary holding capabilities of Crime Scene Investigation Bureau.

407.3 EVENT / INCIDENT RESPONSIBILITIES

407.3.1 PRE-PLANNED EVENT

The Chief of Police and/or a division commander will designate a staff officer or supervisor as the Incident Commander.

407.3.2 SPONTANEOUS INCIDENTS

Incidents may arise in the field which require mass arrests to be made. When this occurs, the on-scene Incident Commander for purposes of this order, will be the highest ranking member present until he/she is properly relieved.

407.4 INTERAGENCY AGREEMENTS

Interagency agreements are pre-planned and in place prior to the large scale event if assistance from specific outside agencies is anticipated. In cases where a request is made for mutual aid it shall be handled consistent with the National Emergency Management System (NEMS) plan.

407.5 DEFENSE COUNSEL VISITS

Visits from counsel generally are not allowed during the booking process.

407.6 MEDIA RELATIONS

Media relations will be handled consistent with Policy Manual §346.

407.7 FOOD, WATER, AND SANITATION

Appropriate steps will be taken to ensure that the basic necessities of food, water, and sanitation facilities are provided when it is anticipated that prisoners will be detained in the field for prolonged periods of time.

407.8 MEDICAL TREATMENT

If available, arrangements should be made to have emergency medical services personnel on scene throughout the event. As part of the booking process at FCJ/FCJH, the on-duty medical personnel will conduct a medical screening.

Prisoners requiring medical attention will be transported to the appropriate medical facility as soon as practical. Prisoners requiring immediate emergency medical treatment will be transported by EMS.

Fresno Police Department Policy Manual
SWAT**408.1 POLICY**

The Department has established the Special Weapons and Tactics (SWAT) Team to provide specialized support in handling critical field operations where intense negotiations and special tactical deployment methods are required.

408.1.1 PURPOSE AND SCOPE

The SWAT Team is a support element of the Department and should be utilized when the situation requires the use of their specialized capabilities. The SWAT Team has as a supporting element, the Crisis Negotiation Team (CNT).

Fresno Police Department Policy Manual
Demonstrations / Special Events / Operations**409.1 POLICY**

The primary duty of the Fresno Police Department during special events/operations, demonstrations, and labor disputes is to preserve the peace. Officers should make arrests only in serious matters and should leave open several avenues of escape so that the crowd may disperse easily.

Ride-Along Policy

410.1 POLICY

The Fresno Police Department Ride-Along Program is offered to all those who qualify. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience law enforcement, police incidents, and to hopefully have a better understanding of the Fresno Police Department.

410.1.1 DISQUALIFICATION

The following factors may be considered in disqualifying an applicant and are not limited to:

- Prior criminal history or conviction;
- Pending criminal action;
- Pending lawsuit against the Department; and
- Denial by any supervisor.

410.1.2 AUTOMATIC DISQUALIFICATION

- Being under 16 years of age; or
- Being on probation or parole.

410.1.3 AVAILABILITY

The Ride-Along Program is available on most days of the week and on any shift, with certain exceptions as may be made and approved by a commander.

410.2 REQUESTING A RIDE-ALONG

Generally, ride-along requests will be scheduled by Special Operations Division personnel. All participants will complete a Ride-Along Waiver Form. Information *provided* will include a valid state, federal or military ID or driver's license, address, and telephone number. *Participants will provide the name, address and telephone number for an adult relative or friend to contact in case of emergency.*

Special Operations Division personnel will schedule a date for an interview. If the participant is under 18 years of age, a parent/guardian must be present, during the interview and complete the Ride-Along Form. Applicants will report to the Special Operations Division where an interview will take place and the "Do's" and "Don'ts" of the ride along will be explained. Only after satisfactorily completing the interview will an applicant will be scheduled for a ride along. When an applicant is denied participation in the Ride-Along Program they will be advised of the denial.

All ride-along applicants are subject to a criminal history check. The criminal history check will include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along (provided that the

Fresno Police Department

Policy Manual

Ride-Along Policy

ride-along is not a member of the Department) (CLETS Policies, Practices and Procedures Manual 1.6.1.D.3.).

410.2.1 PEACE OFFICER RIDE-ALONGS

Peace officers from other agencies may participant in the Ride Along Program. The Ride Along Form must be completed, signed, and turned into the Special Operations Division. An interview will be scheduled consistent with Policy Manual §410.2. When the officer requests to carry a firearm, authorization from the district field supervisor must first be obtained. Ride-along requirements for police cadets are covered in Policy Manual §1048, "Police Cadet Program."

410.2.2 ASSOCIATES OF DEPARTMENT MEMBERS

Department members may schedule personal associates (friends, relatives or professional associates) for a ride-along and are not required to contact the Special Operations Division. Department members requesting the ride-along will contact the Duty Officer at least one and one half (1.5) hours prior to the start of briefing and provide the name of the ride-along. Only one ride-along may be scheduled in each district and watch. It is the responsibility of the requesting Department member to ensure that a liability waiver is completed and signed by the ride-along prior to the start of the shift. Liability waiver forms are available at each of the district stations and the Duty Office. Completed liability waiver forms shall be forwarded to the Special Operations Division secretary. A shift supervisor shall deny a ride-along if a liability waiver is not completed and signed prior to the start of the patrol shift. Associates of Department members will adhere to the same procedures as other ride-along participants and must be free from felony criminal history.

410.3 CONTROL OF RIDE-ALONG

The assigned officer/CSO shall maintain control over the ride-along participant at all times and instruct him/her in the conditions that necessarily limit their participation.

410.3.1 RIDE-ALONG WITNESS DOCUMENTATION

Officers assigned a ride-along will record the first and last name of the ride-along in the CAD log on "comments" field at the beginning of the patrol shift. Ride-along participants will follow the directions of the officer/CSO. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment. In the event a ride-along is witness to a crime in progress or could provide testimony in court for any reason, the ride-along will be listed as a witness in the police report with complete name and contact information.

410.4 GUIDELINES

The following is a list of guidelines for participants:

- No jeans (regardless of color), baggy pants, T-shirts, sweats, hats or caps allowed.
 - No skirts, dresses or high heels.
 - Present a professional image, otherwise you could be sent home.
 - You can ride for 5 hours, or longer at the officer's discretion.
 - The officer, at his/her discretion, can end the ride-along at any time.
 - You could get injured.
 - You are riding along at your own request. Neither the City nor the Department is making you ride-along.
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Fresno Police Department

Policy Manual

Ride-Along Policy

- We do not provide protective equipment, such as ballistic vests or flashlights.
- You cannot bring a camera, tape recorder, or cell phone camera. This is for the protection of the rights of the people we contact.
- Do not bring tear gas, pepper spray, handcuffs or any sort of weapon, including firearms. This applies to those people with CCW permits.
- If the officer tells you to stay in the car, do so. This is for your safety.
- You are not to attempt to assist in arresting suspects or become physically involved with suspects unless directed to do so. Do not interrupt officers during an investigation.
- Bring clothing appropriate for the weather.
- Be prepared for the possibility that you will not stop for breaks or meals during the ride-along.
- If you wear a medic-alert bracelet or have a medical condition such as epilepsy or diabetes, let the officer know at the start of the shift.
- Know your location, and know your detail.
- If you cannot make your scheduled appointment, make sure you call cancel your ride-along. Not calling will prohibit you from riding for a year.
- One ride-along is allowed per year from the date of your ride-along.

Hazardous Material Response

412.1 POLICY

The Fresno Fire Department (FFD) has primary responsibility for all identified hazardous material spills or incidents involving possible hazardous materials. However all other responsibilities outside the scope of FFD at the scene of an actual spill or incident will remain with this Department.

412.1.1 PURPOSE AND SCOPE

Department members will follow, to the best of their ability, established procedures in dealing with any incident involving hazardous material in compliance with Title 8, California Code of Regulations § 5194.

412.2 HAZARDOUS MATERIAL RESPONSE

Hazardous Material -Is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

School Safety

413.1 POLICY

The Department will develop and implement standardized levels of readiness in conjunction with public school administrators to enable quick and effective communication between our Department and public schools during critical situations by using terms common to both agencies.

Response to Bomb Calls

416.1 POLICY

When confronted with an incident involving explosives, safety shall always be the primary consideration. In the case of an actual bombing or discovery of suspected or actual *hazardous* device, a supervisor shall immediately notify the Department EOD Team Commander.

416.1.1 PURPOSE AND SCOPE

Members responding to incidents involving explosives, explosive devices, or explosion/bombing incidents, shall under no circumstances, compromise the safety of first responders or the public.

416.2 PERMITS FOR HANDLING, POSSESSING, TRANSPORTING, & STORING EXPLOSIVES

Requests for information pertaining to the acquisition of explosives permits shall be referred to the Fresno County Sheriff's Department as they process all such applications.

416.3 INSPECTION OF LEGAL EXPLOSIVES

Inspection of legal explosives is the responsibility of the FFD. Members shall refer all requests for explosives inspection accordingly.

The inspection of legal explosive bunkers is the responsibility of the ATF. Members shall refer all requests for such inspections to the ATF.

The ATF may conduct inspections at their discretion.

Fresno Police Department Policy Manual

Mental Illness Commitments

418.1 POLICY

When an officer believes that a person falls within the provisions of Welfare and Institutions Code §5150, he/she shall have the person transported to a facility for evaluation and commitment.

418.11 PURPOSE AND SCOPE

This policy describes an officer's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code §5150. The commitment of a person under Welfare and Institution Code §5150 does not constitute an arrest.

418.2 AUTHORITY

Pursuant to Welfare and Institution Code §5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72hour treatment and evaluation.

If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 TRAINING

At least every three years, all members shall receive training related to recognition of persons suffering from mental illness and procedures for accessing available community mental health resources. In addition, sworn officers shall be trained on specific guidelines to follow in dealing with persons they suspect are mentally ill during contacts on the street as well as during interviews and interrogation.

418.4 TARASOFF NOTIFICATIONS

Mental health professionals have a duty to warn in circumstances where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. In these situations, the psychotherapist's duty is to make a reasonable effort to communicate the threat to the victim or victims and to a law enforcement agency where the victim(s) reside [Tarasoff v. Regents of the University of California, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (Cal. 1976)].

Upon receipt of a Tarasoff notification, Department members will document the threats and make reasonable efforts to notify the intended victim(s).

Cite & Release Policy

420.1 POLICY

The Department will comply with the State Legislature's intent to release all persons on misdemeanor citations, if qualified for such release.

420.1.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6.

Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility; or
- (b) A Crime Scene Bureau release is when a violator is released after being transported to the Prisoner Processing Section and processed.

Fresno Police Department Policy Manual

Miscellaneous Enforcement

421.1 POLICY

The Department investigates and enforces violations of various local and state statutes.

421.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidelines for the investigation and enforcement of these violations in an effort to improve the overall quality of life to the community.

421.2 SMOKING IN ENCLOSED PLACES OF EMPLOYMENT

Labor Code Section 6404.5 became effective January 1, 1998, prohibiting smoking in bars, bar areas, and gaming clubs. Consistent with existing law, the prohibition against smoking applies to areas defined as an "enclosed place of employment," but does not apply in areas such as outside patios.

Any employer who knowingly and intentionally permit(s) smoking in an enclosed space at a place of employment is in violation of LC §6404.5. Likewise, any person who smokes in an enclosed space at a place of employment is in violation of LC §6404.5. LC §6404.5 is an infraction.

Officers will not be dispatched to violations of this section unless another crime is involved. Complaints regarding violations of this section can be directed to the *Fresno County Department of Health Tobacco Prevention Program at 559-600-6449*.

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix) or the U.S. Department of State [website](#).

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

Fresno Police Department

Policy Manual

Arrest or Detention of Foreign Nationals

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the Governor's Office of Emergency Services (OES), Law Enforcement Division.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

Fresno Police Department Policy Manual

Terrorist Activity Reporting

423.1 POLICY

Any Department member receiving local Homeland Security or terrorism-related information, through any method of communication, shall report it immediately to the *Department's Criminal Intelligence Unit supervisor*, electronically, by voicemail, or in writing. The *Criminal Intelligence Unit supervisor* shall review this information so that it may be relayed to the *Joint Terrorism Task Force (JTTF)*, *Sacramento Regional Terrorist Threat Assessment Center (SacRTTAC)* or agency, when appropriate. *The Criminal Intelligence Unit supervisor will be the Department's Terrorism Liaison Officer Coordinator (TLOC). Trained Terrorism Liaison Officers (TLO) will coordinate information and related activities through the Criminal Intelligence Unit supervisor.*

423.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a city-wide reporting mechanism for known or suspected Homeland Security or terrorism-related activity so the information may be investigated and acted upon in a timely manner.

423.2 TERRORISM LIAISON OFFICER (TLO)

The TLO will act as the central contact point between this Department and the Office of Homeland Security and the Department of Homeland Security. Information exchanged by the TLO should facilitate information sharing and multi-jurisdictional preemption of terrorist acts or events.

423.3 HOMELAND SECURITY TLO MESSAGE LINE

This Department maintains a public message line for information related to Homeland Security and/or local terrorist-related activity. Messages can be left by phoning (559) 621-2TLO or 621-2856. *Messages may also be sent by e-mail to TLO@fresno.gov.*

Reporting Police Activity Outside of Jurisdiction

426.1 POLICY

Any on-duty or off-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the City of Fresno, shall notify his or her on-duty supervisor or the Field Commander at the earliest possible opportunity.

426.1.1 PURPOSE AND SCOPE

This policy provides a general guideline for reporting police activity while on or off-duty and occurring outside the jurisdiction of the City of Fresno.

Fresno Police Department Policy Manual

Immigration Violations

428.1 POLICY

Members of this Department will provide, to the best of their ability, equal enforcement of the law and equal service to the public, regardless of alien status. It is the policy of the Department that officers shall not enforce violations of immigration law/status.

428.1.1 PURPOSE AND SCOPE

Immigration status alone is not a matter for police action. Awareness of this will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 JURISDICTION AND ENFORCEMENT

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry, etc. When assisting ICE at their specific request, this Department may assist in the enforcement of any suspected criminal violations discovered as a result of inquiries or investigations initiated by ICE.

428.3 SWEEPS

The Fresno Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, arrest, etc.), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, etc.

428.3.1 BASIS FOR CONTACT

The fact that an individual is suspected of being an undocumented alien shall not be the basis for contact, detention, or arrest.

428.4 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this Department will provide available support services, such as traffic control or keep-the-peace efforts, during the federal operation.

Members of this Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this Department should be based upon the reasonable belief that an individual is involved in criminal activity.

428.5 VALID IDENTIFICATION CARDS/"MATRICULA CONSULAR"

The identification card known as the "Matrícula Consular" is issued by the Mexican Consulate to Mexican citizens who have established residency in the United States. This valid form of identification includes the person's photograph, name, address, date of birth, and a serial number. Department members shall familiarize themselves with the card's security features to determine its authenticity. Department members shall recognize this card as a valid form of identification when attempting to establish a person's identity during an investigation and/or while issuing a misdemeanor citation. This identification card is not to be considered as a valid driver's license.

428.6 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Fresno Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.

428.6.1 U-VISA NONIMMIGRANT STATUS

Penal Code section 679.10 mandates that certain state and local agencies and officials complete U-Visa certifications, upon request, for immigrant crime victims who have been helpful, are being helpful, or likely to be helpful in the detection, investigation, or prosecution of specified qualifying crimes. A petition for a U-Visa from the U.S. Citizenship and Immigration Services must be completed on DHS Form I-918 Supplement B by the U-Visa Coordinator or the assigned prosecutor and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa to be issued.

Any request for assistance in applying for U-Visa status should be forwarded in a timely fashion to the U-Visa Coordinator. The coordinator should do the following:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether an update on the case is warranted;
- (b) Review the instructions for completing the certification if necessary. Instructions for completing Form I-918 Supplement B can be found on the DHS website at <http://www.uscis.gov/i-918>
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification has not already been completed and that certification is warranted;
- (d) Complete the certification within 90 days (or 14 days if the individual is in removal proceedings); and
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. A copy of any completed certification shall be included in the case file.

Emergency Utility Service

430.1 POLICY

Upon observing a damaged or malfunctioning signal, utility, or other infrastructure, members will advise the Communications Center (ComCen) of the location and problem. ComCen will make the necessary notification to the proper maintenance agency.

PURPOSE AND SCOPE

The Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department.

Requests for such service received by this Department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

If a break occurs on the City side of a water meter, public works should be called as soon as practical by the ComCen.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Pacific Gas & Electric (PG&E) or Public Works (for a damaged pole) should be promptly notified.

430.1.3 PUMPS, WELLS, ETC.

Public Works maintains public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, Public Works should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by ComCen or can be accessed by 621-CITY (2489).

430.1.5 TRAFFIC SIGNAL MAINTENANCE

The City of Fresno maintains all traffic signals within the City, as well as other areas, but not those belonging to the State of California.

Aircraft Accidents

434.1 POLICY

Any incident involving an aircraft will be handled according to established procedures in cooperation with appropriate investigative agencies.

434.1.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of members, making proper notification, and documentation.

434.2 AIRCRAFT ACCIDENTS RESPONSIBILITIES

434.2.1 AT CITY OWNED/OPERATED AIRPORTS

The Director of Airports, through the Airport Public Safety Manager, is charged with the investigative responsibility for aircraft accidents occurring on City owned or operated airports. Members may be called upon to assist in the investigation.

434.2.2 AIRCRAFT ACCIDENTS NOT ON CITY PROPERTY

The Department has responsibility for the investigation of aircraft accidents not occurring on a City owned or operated airport. Members shall notify either the FAA or military personnel, depending of the type of aircraft involved in the accident, and shall give the location and condition on the aircraft.

Police Training Officer Program

436.1 POLICY

The Department will assign all new police officers to a structured Police Training Program that is designed to prepare them to perform in a patrol assignment, possessing all skills and knowledge required to operate in a safe, skillful, productive and professional manner.

436.1.1 PURPOSE AND SCOPE

The Police Training Program is intended to provide a standardized program to facilitate an officer's transition from the academic setting to his/her actual performance of general law enforcement duties of the Fresno Police Department.

436.2 TRAINEE DEFINED

Trainee-Any recruit or lateral police officer newly appointed to the Fresno Police Department who has successfully completed a POST approved Basic Academy.

436.3 TRAINING REQUIREMENTS

Recruit and lateral officers shall be required to successfully complete the Police Training Program.

The training period for lateral officers may be modified depending on their demonstrated performance and level of experience.

436.4 POLICE TRAINING OFFICER

The Police Training Officer (PTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their acquired knowledge and skills.

436.4.1 PTO SELECTION PROCESS

A PTO will be selected based on the following considerations:

- (a) Desire to be a PTO;
- (b) Minimum of four years of patrol experience, two of which shall be with this Department;
- (c) Demonstrated ability as a positive role model based upon written Commander recommendations;
- (d) Pass an internal written and oral interview selection process;
- (e) Written evaluation by supervisors;
- (f) Letter of recommendation by supervisors; and
- (g) Internal affairs discipline history.

436.4.2 TEMPORARY PTO

At the discretion of the Chief of Police or his/her designee, officers may be appointed to serve as temporary PTOs to meet the training needs of the Department. Officers have the discretion to decline the position but to be appointed they must meet the following conditions:

Fresno Police Department

Policy Manual

Police Training Officer Program

- (a) Be on a current PTO eligibility list;
- (b) Have successfully completed the 40 hour PTO training course; and
- (c) Have successfully completed the PTO certification process.

Officers serving as a temporary PTO for an extended period must successfully pass the written examination and the scenario interview annually to be re-certified.

436.4.3 INACTIVE PTO STATUS

Police officers/specialists who voluntarily resign as a PTO or who accept a special units position may elect to recertify annually at their own choosing. In order to be reinstated, former PTOs must have successfully completed the PTO certification process within 12 months of reinstatement.

The final decision to reinstate any officer/specialist will be made by the Chief of Police or his/her designee.

436.6 PTO TRAINING

An officer selected as a PTO shall successfully complete a POST certified (40-hour) Police Training Officer's Course prior to being assigned as a PTO.

All PTOs must complete a 24-hour Police Training Officer update course every three years while assigned to the position of PTO.

436.7 POLICE TRAINING PROGRAM SUPERVISOR

The Police Training Program supervisor will be selected from the rank of sergeant by the Special Operations Division Commander or his/her designee.

Fresno Police Department Policy Manual

District Command Staff Responsibilities

444.1 POLICY

Members are to be familiar with the district command structure of the Department, as well as the staff responsibilities, to ensure a viable chain-of-command is maintained.

444.1.1 PURPOSE AND SCOPE

The purpose of this order is to address the responsibilities of district command staff.

444.2 DISTRICT COMMAND STAFF

Each district is assigned a District Commander.

Field Commanders are assigned citywide responsibilities (Policy Manual §444.4).

444.3 DISTRICT COMMANDER RESPONSIBILITIES

District Commander responsibilities include, but are not limited to:

- (a). Direction and *operational* control of Patrol Division personnel within their district;
- (b). Maintenance of discipline and morale within their district;
- (c). *Operational activities and the operational needs of their district;*
- (d). *Involvement in any major operations and/or critical incidents within their district;*
- (e). *On-going review and coordination of all assigned personnel in their district (patrol, investigators, POP, etc.);*
- (f). *Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;*
- (g). *Monitoring of planned multi-district/jurisdictional field responses;*
- (h). *Management of emergency response to multi-district/jurisdictional events;*
- (i). *Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;*
- (j). *Assigning the investigation of citizen complaints when the complaint is of the type that can be handled at the district level;*
- (k). *Staff review of certain specified investigative reports after supervisor approval. These reports include:*
 - 1. *Citizen complaints investigated at the district level;*
 - 2. *Officer-involved collisions;*
 - 3. *Incidents involving injured prisoners;*
 - 4. *Any reported officer injury;*
 - 5. *Officer involved as a suspect;*
 - 6. *Any unusual involvement of members of this Department in any police investigations;*
 - 7. *Police investigations involving potential City liability; and*
 - 8. *Any unusual involvement of personnel of other governmental agencies in a police investigation.*
- (l). *Maintaining the continuance of routine police services during emergencies;*
- (m). *Conducting periodic inspections of personnel and equipment under their command;*
- (n). *Promotion and stimulation of supervision in their district;*
- (o). *Maintenance of Problem Oriented Policing (POP) within guidelines established by Department policy and directives;*
- (p). *Periodic meetings with supervisors to discuss problems, community needs, and progress;*
- (q). *Disposition of all citizen inquires brought to their attention;*
- (r). *Ensuring response to public service requests; and*
- (s). *Personnel problems arising in their district.*

444.4 FIELD COMMANDER RESPONSIBILITIES

The Field Commanders *are assigned citywide* responsibilities *which* include, but are not limited to:

- (a). Being the official representative of the Chief of Police during the absence of higher authority and assuming the administrative duties of the Chief of Police;
- (b). Ongoing review and coordination of watch two and three patrol personnel;
- (c). Involvement in any major operation during their shift;
- (d). Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;
- (e). Monitoring of planned multi-district/jurisdictional field responses;
- (f). Management of emergency response to multi-district/jurisdictional events;
- (g). Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;
- (h). Maintaining the continuance of routine police services during emergencies;
- (i). Handling of all personnel matters requiring immediate attention;
- (j). Keeping the district commanders informed of problems, needs and progress; and
- (k). Coordinating information exchange with media in the absence of the P.I.O.

Radio & Mobile Data System (MDS) Use

448.1 POLICY

Members will comply with all appropriate Federal, State and Department rules and regulations regarding the transmission and receipt of any information whether confidential or not, via radio or Mobile Data System (MDS). Members shall utilize the radio and MDS in a professional manner and for Department business purposes only.

448.1.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies.

The MDS accesses confidential records from various databases through Department's ECOMM System.

448.2 FCC COMPLIANCE

Fresno Police Department radio operations and MDS use shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

448.3 OPERATIONAL READINESS

All members assigned/issued portable radios are responsible for their security and maintenance. Members shall maintain all portable radios in a state of operational readiness.

448.4 MDS USE

The MDS shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or critical of any member of the Department are strictly forbidden. Supervisors at anytime without prior notification may review messages.

448.4.1 DATABASE INQUIRIES

Whenever possible, an MDS will be used to conduct inquiries into CLETS, RMS, and other databases which are accessible from an MDS.

448.4.2 USE WHILE DRIVING

Members shall not attempt to enter data into an MDS, nor shall they direct their attention to the contents of the MDS screen until it is safe to do so.

448.5 RADIO USE

Members who are on duty and in the field shall monitor their radios at all times and shall promptly answer when called.

Exception: When dictating reports or interviewing victims, members may turn their radio off after advising the dispatcher they will be off the air.

Fresno Police Department Policy Manual

Body Worn Video Cameras

450.1 POLICY

Officers who have been issued the AXON body worn video camera system shall wear it at all times the officer may become involved in an enforcement situation.

450.1.1 PURPOSE AND SCOPE

The Fresno Police Department recognizes that video recording of contacts between Department personnel and the public provides an objective record of these events and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts which can enhance criminal prosecutions and limit civil liability. A video recording of an event or contact also enables the delivery of timely, relevant and appropriate training to maximize safety for FPD personnel and improve the delivery of police services to the community. While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

450.2 RECORDING

Officers are prohibited from utilizing Department issued AXON system cameras for personal use. Personally owned video recording devices are also prohibited. Members will notify their supervisors they have been assigned an AXON recorder and shall make the recordings and/or recording device available upon supervisor request.

Only officers who have completed approved training will be allowed to operate the AXON system. All video recordings made while working as an employee of the Fresno Police Department in any capacity are property of the Department and subject to review by the Department and its agents. Recordings shall not be used for the purpose of ridiculing or embarrassing any employee.

Employees shall not obtain or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

- *Personal copies of official recordings;*
- *Re-recording of videos with personal devices;*
- *Posting of official video and/or audio to any non-Department sponsored social networking or other web site;*
- *Posting of AXON recordings on any Department sponsored site without express permission from the Chief of Police or his designee (any video posted on a Department sponsored social media or other web site will thereafter be considered public information).*

450.3 ACTIVATION OF THE RECORDER

Officers shall position their camera to facilitate optimum recording field of view. Officers should activate their camera system as soon as practical upon encountering the below types of events. However, at no time should an officer jeopardize his/her safety, or the safety of any other officer, to activate a recording device.

Guidelines for Activation of AXON cameras – Officers are expected to record interactions including, but not limited to, the following:

- (a) Arrests and detentions, or situations where an officer reasonably believes they will effect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain);
- (b) Officers assisting in an arrest or detention situation;
- (c) Confrontational interactions with citizens;
- (d) Vehicle and foot pursuits;
- (e) Forced entries, search warrants and warrantless searches (including vehicles);
 - 1. When entry is made with or without a warrant, all officers should activate their cameras prior to making entry and continue recording until the scene has been secured. Once the location is secure, and no other circumstances warrant recording, officers may deactivate their cameras.
- (f) Suspect interrogations (including Miranda advisement) and witness interviews;
- (g) Interviews of victims and witnesses.

Video recording of individuals who are picketing, engaged in peaceful protest or First Amendment protected speech will be avoided unless the officer believes a violation of criminal law is occurring, may occur, or if the officer interacts with a participant or third party to the event.

450.3. KNOWLEDGE OF RECORDING

PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

Any sworn member may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the sworn member reasonably believes that such a recording will be beneficial to the investigation.

- (a) Any sworn member contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn members conducted solely for administrative purposes.
- (b) Any individual contacted by a sworn Department member wearing a conspicuously mounted recording device will be deemed to have knowledge that such a contact is being recorded.

450.3 REVIEW AND RELEASE OF RECORDINGS

AXON recordings will be administratively reviewed and may be used during investigations related to use of force, officer involved shootings, complaints and pursuits.

The release of video captured by the AXON camera to any third party will be processed in a manner consistent with applicable law, current discovery request practices and the provisions of Policy §810. When criminal charges are being sought in a case, all related recordings will be provided to the District Attorney's office.

The system coordinator will conduct periodic, random audits to ensure the AXON camera system is operating properly and the camera is being utilized in accordance with this policy.

Fresno Police Department Policy Manual

Use of Audio/Video Recorders

451.1 POLICY

Allowed use of any audio/video recording device by members of this Department will be limited to an official law enforcement purpose only and not to surreptitiously record any conversation between members.

451.1.1 PURPOSE AND SCOPE

The Fresno Police Department has allowed its members to carry audio recording devices while on-duty. These devices include but are not limited to audio recorders (e.g. micro cassettes, standard cassettes, digital recorders, etc.) Their allowed use is intended to assist members in the performance of their duties. Members may only utilize Department approved video equipment to record interviews/interrogations.

451.2 RECORDING

Officers are prohibited from utilizing Department issued audio recorders for personal use. Personally owned video recording devices are also prohibited. Members will notify their supervisors of the existence of an audio recorder and shall make the recordings and/or recording device available upon supervisor request.

All audio recordings made while working as an employee of the Fresno Police Department in any capacity are property of the Department and subject to review by the Department and its agents. Recordings shall not be used for the purpose of ridiculing or embarrassing any employee.

Employees shall not obtain or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

- Personal copies of official recordings;
- Re-recording of official audio and/or video files with personal devices;
- Posting of official audio and/or video to any non-Department sponsored social networking or other web site; and
- Posting of audio/video file recordings on any Department sponsored site without express permission from the Chief of Police or his designee. (Note: Any audio/video file posted on a Department sponsored social media or other web site will thereafter be considered public information.)

451.3 ACTIVATION OF THE AUDIO RECORDER

Officers are encouraged to activate their recorders at any time that the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit. However, at no time should an officer jeopardize his/her safety, or the safety of any other officer, to activate a recorder or change the recording media.

451.4 KNOWLEDGE OF RECORDING

PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

Any sworn member of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

- (a) Any sworn member contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn members conducted solely for administrative purposes.
- (b) Any individual contacted by a sworn Department member wearing a conspicuously mounted audio recording device will be deemed to have knowledge that such a contact is being recorded.
- (c) No member of the Department may surreptitiously record a conversation of any other member of the Department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code §3303(g).

451.5 REVIEW AND RELEASE OF RECORDINGS

Recorded files may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct;
- (b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation;
- (c) By the member who originally recorded the incident; and
- (d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.

The release of audio/video files captured by a member during the course of their duties to any third party will be processed in a manner consistent with applicable law, current discovery request practices and the provisions of Policy §810. When criminal charges are being sought in a case, all recordings related to the criminal investigation will be provided to the District Attorney's office.

451.6 ISSUANCE OF DIGITAL RECORDERS

Digital recorders shall be issued to K-9 officers and field supervisors whose assigned members have frequent public contact. Digital recorders may be issued to detectives upon their request for use during investigations. Digital recorders shall be personally assigned to K-9 officers, supervisors, and detectives through the Equipment and Supply Unit (ESU).

Medical Marijuana

452.1 POLICY

Officers will use discretion and the guidelines provided by the Department to distinguish between claims of medical and criminal use of marijuana, as provided for in California's Compassionate Use Act (Health & Safety Code § 11362.5).

452.1.1 PURPOSE AND SCOPE

To provide guidelines for handling incidents where the claim of medical marijuana is present.

452.2 ENFORCEMENT

Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

- (a) California does not provide any exception for individuals driving under the influence of marijuana and all such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).
- (b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code § 11357, 11358 and 11359.
 - 1. Unless a doctor has expressly prescribed a greater amount, no qualified patient or primary caregiver may possess more than eight ounces of dried marijuana per individual Health & Safety Code § 11362.77(a).
 - 2. A qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per individual.

452.3 MEDICINAL USE CLAIMS

In order to qualify for a medicinal marijuana defense, the individual(s) making such a claim must affirmatively establish the following information. If the individual(s) cannot or will not provide all of the required information, the officer should note such in any related report and proceed with appropriate enforcement action.

452.3.1 PATIENTS

- (a) An individual may establish his/her status as a qualified patient by presenting a current and valid identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:
 - 1. A unique serial number;
 - 2. An expiration date;
 - 3. The name and telephone number of the county health department approving the application;
 - 4. A 24-hour toll-free number for law enforcement to verify the validity of the card; and
 - 5. A photograph of the cardholder;

Fresno Police Department

Policy Manual

Medical Marijuana

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

- (b) If the individual does not possess a valid identification card, the individual claiming status as a "qualified patient" must minimally provide the following information:
 - 1. Satisfactory identification establishing current residency in California;
 - 2. A current and valid recommendation for marijuana from a California licensed physician; and
 - 3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

452.3.2 PRIMARY CAREGIVERS

A primary caregiver is not authorized to use, sell, or possess marijuana for sale.

- (a) Must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.
- (b) Must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.

452.3.3 RETURN OF MARIJUANA

Regardless of the prosecution status or disposition of any related criminal case, this Department will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring same. (Health & Safety Code § 11362.785(d))

Fresno Police Department Policy Manual

Automated License Plate Readers (ALPRs)

453.1 POLICY

The policy of the Fresno Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

453.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

453.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Fresno Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

453.3 DATA COLLECTION AND RETENTION

All ALPR data captured using department-owned ALPR cameras should be stored for a minimum of one year (Government Code §34090.6), in accordance with the established records retention schedule. Thereafter, department-owned ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. Retention periods for ALPR data collected by commercial providers and/or other law enforcement agencies and made available to this department are set by those providers.

453.4 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Fresno Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code §1798.90.51; Civil Code §1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code §1798.90.52);
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action; and
- (c) ALPR system audits should be conducted on a regular basis.

453.5 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

453.6 TRAINING

The Crime Center Commander should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code §1798.90.51; Civil Code §1798.90.53).

Fresno Police Department Policy Manual

Traffic Function and Responsibility

500.1 POLICY

This Department will focus enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs and public safety.

500.1.1 PURPOSE AND SCOPE

The ultimate goal of traffic enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as reactive assignment of personnel and equipment and the establishment of proactive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and officer observations.

- (a) All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence.
- (b) All officers will take directed enforcement action on request, and random enforcement action when appropriate.
- (c) All officers shall maintain high visibility while working routine enforcement, especially at high accident locations.
- (d) Other factors to be considered for deployment are citizen requests, construction zones, special events, etc.

500.2 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code §41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Traffic and vehicle stops should be performed in a uniformed manner as established in the Police Training Program and outlined within the Procedure Manual.

Several methods are effective in the reduction of collisions:

500.2.1 WARNINGS

Warnings are non-punitive enforcement actions that may be considered and substituted for arrests or citations when circumstances warrant.

500.2.2 CITATIONS

Citations may be issued when an officer believes they are appropriate.

Officers should provide the following information to violators at a minimum:

- (a) Explanation of the violation or charge;
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist; and
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

When no citation is issued to the violator, a Department business card shall be provided.

Exception: When an officer contacts a traffic violator driving on a suspended or revoked license, the officer shall issue a traffic citation pursuant to Vehicle Code §14601.

500.2.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter; *
- (b) Felony * and misdemeanor driving under the influence of alcohol/drugs;
- (c) Felony * or misdemeanor hit-and-run;
- (d) Refusal to sign notice to appear; * and
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

* The officer shall notify a supervisor when a subject is taken into physical arrest.

500.3 DIRECTING TRAFFIC

500.3.1 REFLECTORIZED VEST

Anytime a member is on a roadway (day or night) directing traffic, investigating an accident, or at the scene of a disaster, they shall wear a Department authorized reflective vest.

An operable flashlight is required for directing traffic during inclement weather and during hours of darkness.

Traffic Collision Reporting

502.1 POLICY

Members involved in the handling of traffic related collisions will follow the guidelines of this policy and utilize the California Highway Patrol Collision Investigation Manual (CIM) as the primary guide for documentation of their investigations.

502.1.1 PURPOSE AND SCOPE

Members will prepare traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service make traffic collision reports available to the community (with some exceptions).

502.2 RESPONSIBILITY

The Traffic Bureau Commander will be responsible for distribution of the CIM. The Traffic Bureau Commander will receive all changes in the CIM.

502.3 PROTECTION OF THE SCENE

Members shall see to the protection of involved vehicles, personal property, and other traffic at the collision scene. As soon as practical, members shall remove damaged vehicles and debris from the roadway and restore the flow of traffic.

Exceptions: Members shall take every precaution to preserve any and all evidence at the scene of a major injury or fatal collision until it is determined that it is no longer necessary to do so.

502.4 HAZARDOUS MATERIALS SPILLS

See Policy Manual § 412.

502.5 PROPERTY DAMAGE COLLISIONS

Members responding to the scene of a collision resulting in property damage only (including vehicle damage) shall ensure that involved parties comply with the notification requirements of Vehicle Code § 20002. No report is required for collisions producing property damage only unless it is a City owned vehicle or other violations are present requiring documentation. (e.g., DUI, VC § 14601, etc.)

502.6 PRIVATE PROPERTY COLLISIONS

In compliance with the CIM, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

502.7 FATALITIES

When there is any question as to death, medical aid shall be requested and appropriate first aid rendered. Deceased persons shall be covered from public view whenever possible.

Fresno Police Department

Policy Manual

Traffic Collision Reporting

502.8 COLLISION RECONSTRUCTION UNIT (CRU) RESPONSE

A CRU member will be available on a call-out basis to provide collision analysis expertise as needed during major collision investigations.

502.9 RESPONSE TO DISTURBANCES AT TRAFFIC COLLISIONS

When members are dispatched to traffic collisions and receive information of a disturbance or fight occurring at the collision scene, members shall follow the Departmental guidelines regarding authorized code three responses.

Exception: CSO's are not authorized to respond code three. When a CSO is dispatched to a traffic collision involving a disturbance or fight, they shall request that a sworn member respond until the scene is stabilized.

Fresno Police Department Policy Manual

Vehicle Towing Policy

510.1 POLICY

Members will tow and store vehicles only within established procedures of this Department, consistent with state laws. The sole goal of impounding a vehicle is to improve public safety and shall not be done for any other reason. A vehicle shall never be impounded solely for the purpose of generating revenue, or as a means of retribution against the violator.

510.1.1 PURPOSE AND SCOPE

This purpose of this policy is to assure the safety of the public and the protection of private property in accordance with the Community Care Doctrine.

510.2 DEFINITIONS

Owner's Preference Tow – A specific tow company requested by the driver/owner of a vehicle needing to be towed. If not available, an "Owner's no-preference" tow will be substituted. Owner's preference and owner's no-preference tows shall not be used for impounds and do not require a CHP 180 Form.

Owners No-Preference Tow – An owner's request to use one of the Department's contracted tow companies in non-enforcement impound situations. Owner's no-preference tow requests do not require a CHP 180 Form.

Storage – A non-enforcement tow, generally considered a courtesy to the public. Storage does not require a CHP 180 Form, the registered owner or legal owner to pay any City Administrative Fees, but will require the payment of tow charges.

Impound – A member has a legal authority to cause the removal of a vehicle by one of the Department's contracted tow companies. Impounds are considered an enforcement action and will require the completion of a CHP 180 Form, the registered owner or legal owner to pay City Administrative Fees, and pay all tow charges.

510.3 TOWING SERVICES

The City of Fresno contracts with established tow companies to tow vehicles for the Department. The Chief of Police or his/her designee retains sole discretion in determining the selection of and total number of companies authorized to tow vehicles for the Department. The following circumstances may result in the non-renewal of a Tow Services Agreement (TSA) between the Department and Tow Operators:

- (a) Repeated citizen complaints;
- (b) Violations of the TSA;
- (c) Violations of the FMC or any other governing statutes; or
- (d) For any other reason not specified herein.

The contracted tow companies will be used in, but not limited to, the following situations:

- (a) When the driver is unlicensed, suspended, or revoked, or arrested/cited;
- (b) When vehicles are disabled due to mechanical failure or as a result of a collision and are blocking any portion of the roadway;
- (c) When a vehicle is being held as evidence in connection with an investigation;
- (d) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action;
- (e) When a vehicle has expired registration over six months being operated on a highway; or

- (f) When it is otherwise necessary to store/impound a vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulation.

510.4 VEHICLE SEARCHES

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) With consent of the operator.
- (c) Incident to an arrest of the occupants of the vehicle.
- (d) To search for weapons.
- (e) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (f) Under emergency circumstances not otherwise enumerated above.
- (g) Pursuant to a valid search warrant.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Fresno Police Department Policy Manual

Vehicle Impound Hearings

512.1 POLICY

The Department will provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine if a stored or impounded vehicle meets the criteria for an early release pursuant to Vehicle Code §22852. All requests for a full or partial refund of vehicle impound and tow fees shall be processed by the City of Fresno Risk Management Division.

Under certain circumstances, the City Manager has granted the Fresno Police Department the authority to provide an immediate refund to the registered or legal owner of an improperly towed vehicle. These situations are limited to vehicles that have been clearly towed in error. This request for refund will be forwarded by the Traffic Bureau Commander to the Division Commander in memo form. Upon approval, the Fresno Police Department's Fiscal Affairs Bureau will be instructed to process a refund. When contacted by the Tow Coordinator, the registered or legal owner shall respond to the Traffic Bureau to receive the refund and complete a release of liability form. The Tow Coordinator will maintain a file of all refund requests along with the release of liability form.

512.1.1 PURPOSE AND SCOPE

The vehicle storage hearing is an informal process to evaluate if a stored or impounded vehicle meets the criteria for an early release.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Fresno Police Department, the registered owner or legal owner may request a hearing.

The "Tow Coordinator" will contact the requesting party within 48 hours, (excluding weekends and holidays), to arrange for an appointment for a hearing.

512.3 HEARING PROCEDURES

The Tow Coordinator will usually serve as the "Hearing Officer".

Any relevant evidence may be submitted for review by the Hearing Officer to determine if the vehicle in question meets the criteria for an early release.

The member who caused the storage or removal of the vehicle does not need to be present for this hearing. All requests for a hearing on a stored or impounded vehicle must be submitted in person, writing, or by telephone within ten days of the date appearing on the notice.

The person requesting the hearing may record the hearing at his/her own expense.

The Hearing Officer will consider all information provided, Vehicle Code §§14602.6(a) and 23109.2, and then render a decision as to the number of days of storage.

512.4 HEARING RESULTS

512.4.1 WITHIN POLICY AND LAW

If a decision is made that the vehicle was stored or impounded within the law and Department policy, the Hearing Officer will:

- (a) Advise the requesting party of the hearing results; and
- (b) Advise he/she may file a claim with the City's Risk Management Division if he/she desires.

512.4.2 VEHICLES MEETING EARLY RELEASE CRITERIA

When the vehicle in question qualifies for early release, as set forth in the Vehicle Code, the Hearing Officer will require that the vehicle in storage be released immediately once applicable fees are paid.

512.5 ADMINISTRATIVE AND IMPOUND FEES

Administrative impound fees and tow fees are to be paid prior to the release of a stored or impounded vehicle.

Traffic Citations

516.1 POLICY

Members issuing citations (notice to appear) will follow the mandates of this Department in regards to the storage, tracking, issuance, prosecution, dismissal, correction, and voiding of citations without exception.

PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.1.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Traffic Bureau Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Members of this Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)).

516.4 DISPOSITION OF TRAFFIC CITATIONS

All traffic citations issued by members of this Department shall be submitted for review by a supervisor.

Exception: A commander may authorize members under his/her command to submit copies of citations directly to the Records Bureau without supervisor review.

Upon separation from employment with this Department, all members issued traffic citation books shall return any unused citations to the Equipment and Supply Unit (ESU).

516.5 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215 and is handled by the City of Fresno Parking Enforcement.

516.6 LEGISLATORS/POLITICIANS

Members of the State and Federal legislature, along with any other politicians, are subject to the same rules of the road as other citizens and have no legislative immunity.

516.7 NON-RESIDENTS

Traffic violators who are not residents of the State of California shall be handled in the same manner as any other traffic violators.

Fresno Police Department

Policy Manual

Traffic Citations

516.8 MILITARY PERSONNEL

Military personnel are handled in the same manner as any other traffic violator and enforcement procedures should be followed as outlined in the California Vehicle Code.

516.9 PUBLIC CARRIERS

Public carriers (e.g. buses, taxis, limos, etc.) are handled in the same manner as any other traffic violator and enforcement procedures should be followed as outlined in the California Vehicle Code.



Traffic Enforcement

517.1 POLICY

Members assigned to patrol or traffic enforcement functions should take enforcement action when a violation is observed and enforcement is appropriate.

Known and documented locations with high incidents of collisions should receive enforcement emphasis.

517.1.1 PURPOSE AND SCOPE

The purpose of this policy is to reduce the number of fatal, injury, and non injury collisions in the City of Fresno through traffic enforcement.

Disabled Vehicles

520.1 POLICY

Assistance to members of the community whose vehicle has become disabled will be provided as needed for the interest of public safety.

520.1.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 MEMBER RESPONSIBILITY

When an on-duty member observes a disabled vehicle on the roadway, the member shall make a reasonable effort to provide assistance.

When the member is assigned to a call of higher priority (0 and 1 priority) the Emergency Services Dispatcher (ESD) shall be advised of the location of the disabled vehicle and the possible need for assistance. The ESD shall then assign another available member to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

Continued involvement by Department members will be contingent on the time of day, the location, the availability of Departmental resources, and the vulnerability of the disabled motorist.

Abandoned and Unregistered Vehicles

524.1 POLICY

Members coming into contact with vehicle parking, registration and abandonment violations should take action as describe within this policy.

524.1.1 PURPOSE AND SCOPE

This policy provides guidance and procedures for the marking, recording, and storage of vehicles parked in violation of the Fresno City Ordinance regulating 72-hour parking violations, unregistered vehicles and abandoned vehicles under the authority of Vehicle Code §§ 22651, 22652.6 and 22669.

524.2 CITATION

When, after 72 hours, the marked vehicle has not been removed, a member shall cite the vehicle in violation of Fresno Municipal Code § 10-605(c) or Vehicle Code § 22523(b) as appropriate.

524.3 VEHICLE REMOVAL

Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary to operate safely are a hazard to public health, safety and welfare and may be removed immediately upon discovery by a member rather than waiting the normal 72 hours Vehicle Code § 22669(d).

524.4 EXPIRED REGISTRATION

When a parked, unattended vehicle with expired registration is encountered on a highway, public lands or off-street parking facility, it may be cited. If the vehicle has expired registration in excess of six months the vehicle may be impounded under the authority of Vehicle Code § 22651(o)(1).

524.5 PRIVATE PROPERTY

When an abandoned vehicle is on private property, the member shall refer the complaining party to the Neighborhood Preservation Division of the City Development Department to initiate removal proceedings under City zoning restrictions. An officer may cite the vehicle for Vehicle Code § 22523 at the request of the property's owner/manager.

The member shall not remove the vehicle unless authorized by law.

600.1 POLICY

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.1.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the guidelines for investigative case review and assignment on a daily basis.

600.2 SUPERVISOR RESPONSIBILITY Supervisors assigned to the Investigative Division, patrol investigations, or their designee, shall review cases for assignment on a daily basis. Cases which warrant further follow-up shall be assigned. The supervisor can consider other factors affecting whether a case is assigned or not assigned for further follow-up such as mandated requirements or the seriousness of the crime. Cases meeting the assignment criteria shall be assigned to a member for follow-up investigation based upon the Case Screening criteria outlined in the operations manual for each Investigative Division or District Investigations unit. Cases which do not meet the assignment criteria may be immediately closed by the supervisor or forwarded to the appropriate member as an unassigned case for officer review.

600.3.2 TYPES OF RECORDS MAINTAINED

A uniform filing system shall be used by all members to allow ready access by supervisors and other members to all active cases. Each unit or member shall maintain files which shall be separated into active, inactive (suspended), and closed categories. The case files shall be filed in case number order.

Inactive (suspended) cases shall be kept in the file for a period of at least six months, and then purged on a revolving monthly basis as needed for file space. Exceptions can be made by the unit supervisor. For example, homicide cases should be reviewed every six months but may need to remain open for a

variety of investigative reasons. Also, some files should not be purged until the statute of limitations has been exhausted. Cases of this type may be kept open at the discretion of the supervisor.

Cleared cases shall be kept in the file for a period of at least one year and may be purged with the final disposition of the case in court.

600.3.3 ACCESSABILITY TO THE FILES

The assigned member shall maintain the case files in such a manner as to allow ready access by supervisors and other members within the investigative unit. All hard-copy files maintained by detectives are secured in each member's office or similar safe storage area. The supervisor and the commander from each unit can coordinate access to cases through the individual member.

600.3.4 PROCEDURES FOR PURGING THE FILES

An annual review of the files maintained by the individual member will be conducted in coordination with the supervisor of the investigative unit. The annual review of files should begin on January 1st of each year and shall be completed to coincide with the matrix rotation. Files will be reviewed and considered for purging using the following format:

- (a) Date case assigned;*
- (b) Charge;*
- (c) Case management data - solvability, status; or*
- (d) Reason why file shall be purged or remain open (e.g. statute of limitations.)*

600.3.5 MEMBERS LEAVING THE UNIT

When a member leaves the investigative unit, they will provide a signed and dated log of all open cases to the unit supervisor. The supervisor will ensure this process is completed prior to the last working date of the member leaving the unit. The supervisor will reassign the cases as needed.

600.4 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only as authorized by a division commander or the Chief of Police.

600.5 INVESTIGATIVE RECORDS

Investigative units within the Department are authorized to maintain investigative records unique to their mission. These records may include confidential informant files, active case files, collision investigation related documents, and gang intelligence files. It is not the intent of this policy to require dual record-keeping so long as the data is readily available to Department members during the course of a criminal investigation.

Records Bureau is the designated agency terminal coordinator for the CLETS system and the Department custodian of police records. Unless otherwise noted, all Department crime related documents shall be maintained by the Records Bureau.

Any investigative records maintained within a bureau, section, or unit, are subject to the file review and purge guidelines as set forth in the respective operations manual.

External Investigations

601.1 POLICY

It is the policy of this Department to cooperate whenever possible, consistent with the applicable state laws and release of records and information policies of this Department, with external investigations against the Department or its members.

601.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction to Department members concerning external investigations they may become aware of during the course of their duties.

601.2 REPORTING TO THE CHIEF OF POLICE

Any member who is made aware of any investigation, civil suit, or claim against the Department or its members shall immediately notify the Chief of Police through the chain of command. The Chief of Police should notify the Legal Advisor and may instruct the Internal Affairs Bureau to conduct a concurrent investigation.

601.3 ACCESS TO FILES

Anyone outside of the Department who is investigating the Department or any member, and who requests access to any Departmental file, shall be referred to the Legal Advisor unless the member has signed a written release authorizing access to his/her records. This does not apply to authorized law enforcement personnel requesting access to police reports which shall be referred to a Records supervisor.

601.4 CIVIL RIGHTS VIOLATIONS

Supervisors shall cooperate with FBI investigations and provide the investigating agents the opportunity to interview any member and review any records deemed necessary.

601.5 INVESTIGATIONS INVOLVING POTENTIAL CONFLICTS OF INTEREST

Situations which could involve a conflict of interest if investigated by Department members will be referred to investigators at the Attorney General's Office, DA's Office, or FSD. When the Attorney General's Office declines to investigate the charges, the Chief of Police or his designee (unless he is the one being investigated) shall determine which agency the matter will be referred to after conferring with the City Manager and/or the City Attorney. These investigations include criminal allegations involving elected City officials, council officers, City executive management, the Chief of Police, and other executive staff members of the Department.

Fresno Police Department Policy Manual

Sexual Assault Victims' DNA Rights

602.1 POLICY

Department members will treat reports involving sexual assaults with confidentiality to protect a victim's rights.

602.1.1 PURPOSE AND SCOPE

Consistent with Penal Code §293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code §680), this policy will establish a means by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Except as authorized by law, members of this Department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality [Penal Code §293 (c) and (d)].

602.3 VICTIM NOTIFICATION OF DNA STATUS

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
 - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case;
 - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation; and
 - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.

602.4 DESTRUCTION OF DNA EVIDENCE

All sexual assault kits will be sent to DOJ for DNA processing in accordance with Penal Code §680.

If, with the approval of a supervisor, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code §803, the assigned officer shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.

Fresno Police Department Policy Manual

Polygraph Examinations

603.1 POLICY

The polygraph examination may be utilized to: verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this or other criminal justice agencies; and assist in conducting internal police investigations.

603.1.1 PURPOSE AND SCOPE

The polygraph examination is a valuable investigative aid used in conjunction with, but not as a substitute for, a thorough investigation.

603.2 DEFINITIONS

Polygraph: *The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to detect deceptive responses. A polygraph simultaneously records at minimum, respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.*

Polygrapher: *Refers to the individual conducting the polygraph examination. Only polygraphers who have successfully completed a Certified School of Polygraphy by the American Polygraph Association are authorized to administer examinations.*

Examinee: *Refers to the individual to be examined by the polygrapher.*

603.3 INVESTIGATIVE/CRIMINAL POLYGRAPH EXAMINATIONS

Members of this agency may request a polygraph examination from one of the Department's polygraphers, from a polygrapher from another agency, or a private polygrapher, with supervisor approval.

Polygraph examinations may be authorized consistent with state law and agency policy. Situations in which authorization may be requested and approved include, but are not limited to:

- (a) Requests from the District Attorney's office as part of an agreement with the defense attorney or for other investigative purposes;*
- (b) Requests from other authorized criminal justice agencies;*
- (c) Attempts to verify or reconcile statements of individuals when alternative investigative means have been exhausted; or*
- (d) Efforts to confirm or refute an allegation that cannot be verified or disproved by other evidence.*

The polygraph should not be used to verify a victim's or complaining witness' allegation without sufficient grounds for suspecting that they are giving false or misleading statements. Exception: Refer to Penal Code §637.4(a).

Requests for examinations from another law enforcement agency pursuant to an internal investigation must be in writing and must be approved by the Chief of Police or his/her designee.

Submission to a polygraph examination must be voluntary on the part of all examinees including members of this agency. Members of this agency wishing to voluntarily transfer to a sensitive assignment (e.g. Vice, Intelligence, Narcotics, etc.) may be required to successfully pass a polygraph examination administered at no cost to the examinee before reassignment may occur. If the member refuses to voluntarily participate in a polygraph examination the request for transfer will be denied.

No polygraph examination will be administered without the examinee's written approval.

603.4 PRE-EMPLOYMENT POLYGRAPH INVESTIGATIONS

All applicants seeking employment with the Fresno Police Department who may be exposed to sensitive information shall be administered a pre-employment polygraph examination. This includes sworn positions and non-sworn positions.

Polygraph examinations shall not be used as the sole determinant of suitability for employment.

603.5 PROFESSIONAL CERTIFICATION

Prior to providing contracted polygraph services for the Department, polygraphers will be screened to ensure they are a graduate of an accredited school of polygraph.

Threats to Public Officials/Department Members

605.1 POLICY

Threats to public officials and FPD members shall be handled by members of the Criminal Intelligence Unit of the Special Investigations Bureau (SIB) unless directed otherwise by the Chief of Police.

605.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure all reports of threats to public officials and Department members are taken seriously and investigated immediately utilizing available resources.

605.2 THREATS TO DEPARTMENT MEMBERS

Whenever threats are directly made to Department personnel they are to take the appropriate enforcement action (i.e., pc422, pc69..). When Department members become aware of an anonymous or third party threat directed at them, another member, or a public official, they are to document the incident in an appropriate police report and notify their immediate supervisor of the threats. The supervisor, through their chain of command, shall notify the Department's Criminal Intelligence Unit Supervisor for assessment and investigation.

Asset Forfeiture Policy

606.1 POLICY

Department members will follow the guidelines established, regarding the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances.

PURPOSE AND SCOPE

This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.1.1 PURPOSE AND SCOPE

This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488a specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

606.3 ASSET FORFEITURE RESPONSIBILITY

The primary responsibility for investigation of asset seizures rests with the Special Investigations Bureau.

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a member will contact an "asset forfeiture" detective or a Narcotics supervisor.

Fresno Police Department Policy Manual

Eyewitness Identifications

607.1 POLICY

When conducting a physical lineup, photographic lineup, or in-field show-up, members shall avoid any conduct prior to, during, or after the identification which might be suggestive in any way to the person making the identification.

607.1.1 PURPOSE AND SCOPE

The purpose of this policy is to maximize the reliability of eyewitness identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and conforms with established legal procedures. Eyewitness identifications should be used as a tool and should not replace a thorough investigation.

607.2 DEFINITIONS

A "line-up" is a physical or photographic group of people from whom a witness may pick the perpetrator of the crime.

A "show-up" is a one-on-one confrontation between a witness and a suspect, usually in the field, within a short time frame following the commission of a crime.

607.3 LINEUPS – PHYSICAL/PHOTOGRAPHIC

607.3.1 PHYSICAL LINEUPS

Physical lineups are normally conducted whenever a suspect is placed in a live group of individuals and the entire group is presented individually to witnesses and/or victims for viewing. Persons arrested on the basis of probable cause may be placed in a physical line-up for identification purposes. The suspect is entitled to have an attorney present.

607.3.2 PHOTOGRAPHIC LINEUPS

Photographic lineups are normally conducted when a suspect is not in custody and occur when an officer arranges for a victim and/or witness to view an array of photographs.

607.4 IN-FIELD SHOW-UP

Show-ups should be limited to situations where the eyewitness views a suspect in close proximity in time and place to the scene of the crime and where physical lineups or photographic identifications are impractical.

Fresno Police Department Policy Manual

Event Deconfliction

610.1 POLICY

Members executing a preplanned operation, including search warrants, or conducting a high risk criminal investigation shall contact a deconfliction center to attempt to prevent to avoid dangerous confrontations and/or unintentional consequences for law enforcement personnel and our citizens.

610.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure appropriate use of an event deconfliction pointer system. Event deconfliction, along with the sharing of event and investigative information with other law enforcement agencies, and proper case activation procedures enhance officer safety and the efficiency of criminal investigations. As such, the following policy will be adhered to when executing a planned operation or conducting a high risk criminal investigation.

610.2 Definition

Event Deconfliction- *the process of determining when law enforcement personnel are conducting events in close proximity to one another at the same time.*

RISSafe System (Regional Information Sharing System)- *a national network comprised of six multistate centers designed to operate on a regional basis, including WSIN. RISSafe stores and maintains data on planned law enforcement events—such as raids, controlled buys, and surveillances—and identifies and alerts affected agencies and officers of potential conflicts that may impact law enforcement efforts.*

WSIN (Western States Information Network)- *the West Coast regional deconfliction center. Its mission is to increase “officer safety” and “investigative effectiveness” by identifying conflicting investigations and providing accurate and reliable information on a real-time basis to all law enforcement agencies.*

Fresno Police Department Policy Manual Department Owned and Personal Property

700.1 POLICY

Members shall be responsible for the operational readiness, safekeeping, condition, care, use and replacement of Department property assigned or entrusted to them, as well as any personal property they may possess.

All Department equipment shall be maintained in a good operating condition and be ready for use as needed. To ensure that equipment is maintained in this condition, regular documented inspections of equipment, uniforms, vehicles, and facilities shall be conducted.

700.1.1 PURPOSE AND SCOPE

Members may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Damage will be documented in a report related to the incident/event.

700.2.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

700.3 MILITARY SURPLUS PROGRAM

From time to time the Department may acquire excess property/equipment from the Department of Defense to support law enforcement activities, including counter-drug and counter-terrorism activities. Any requests for acquisition of equipment through the 1033 Military Surplus Program shall be coordinated by the Patrol Division Commander's designee, with final approval by the Chief of Police.

Department Issued and Optional Equipment

701.1 POLICY

All members have the primary responsibility of maintaining equipment issued to or used by them, including optional equipment authorized by the Department, in a good operating condition.

701.1.1 PURPOSE AND SCOPE

This policy shall apply to equipment issued by the Department and optional equipment purchased by members. Members shall maintain all equipment issued to them in a state of operational readiness ensuring that the equipment is clean, repaired as needed and in functional working order.

701.2 ISSUED EQUIPMENT

Issued equipment shall not be altered, modified, or repaired except by City personnel or private vendors authorized by the Chief of Police. Members shall not use equipment on duty that is not issued or approved by the Department.

The Department may issue the below listed equipment to members to be used in conjunction with their job duties:

- Badge
- Soft Cap Badge
- Photo Identification Card
- Pepper Spray
- Whistle
- Handcuffs/Keys
- Handcuff Case
- Key Strap
- Belt Keepers (four)
- Ammo Pouch
- Pepper Spray Case
- Baton (Expandable)
- Baton Holder
- Citation Case
- Inner Belt
- Outer Belt
- Helmet (Ballistic) with detachable face shield & black carrying bag
- Flashlight
- Flashlight Holder
- X26 Taser™ with two cartridges

Fresno Police Department

Policy Manual

Department Issued and Optional Equipment

- Holster
- Collision Manual
- Handgun
- Radio (PT)
- Lite Flares
- Keys
- Ballistic Vest

701.2.1 DEPARTMENT IDENTIFICATION & BADGES

Members shall have their Department Photo Identification (ID Card) with them at all times. Sworn members shall have either their Department badge or an off duty badge in their possession when on duty.

701.3 BUSINESS CARDS

The Department will provide members who have regular personal contact with the public with standardized business cards.

701.3.1 USE OF CARDS

When necessary, business cards shall be used to record case or event numbers to provide such information to a member of the public.

A business card shall be provided to the subject of a traffic enforcement stop when a citation is not issued.

A business card shall be provided when any person requests a member's name and/or badge number in person.

Department issued business cards shall be used for official business only.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Departmental-issued mobile phones and personal communication devices, and the on-duty use of such devices owned by members.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices as such, but is intended to include all mobile phones, PDAs, and other electronic communication devices.

702.2 DEPARTMENT ISSUED DEVICES

Depending on a member's assignment and needs of the position, the Department may, at its discretion, issue him/her a personal communication device. Such devices shall remain the sole property of the Department and are subject to inspection or monitoring (including related records) at any time.

702.2.1 MEMBER OWNED PERSONAL COMMUNICATION DEVICE

Members may carry individually owned personal communication devices while on duty, subject to the following conditions:

- (a) Carrying an individually owned personal communication device is optional;*
- (b) The device shall be purchased, used and maintained at the member's expense; and*
- (c) When a member chooses to use a personal device during the course and scope of employment, it is subject to subpoena by a court and the member may have to disclose personal records of communication during that time period.*

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

Personal communication devices should be used by members to effectively communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. Personal communication devices should not be used to replace regular radio communications.

Personal communication devices should not be used to conduct personal business while on duty, except when brief personal calls may be warranted by the circumstances (e.g., inform family of extended hours). While members may use individually owned personal communication devices for personal business during authorized breaks, such usage should be limited as much as practical to areas where the call will not be seen or heard by the public.

Extended or frequent use of personal communication devices while on duty for personal use may result in discipline, and members are responsible for reimbursing the Department for any charges incurred as a result of personal use of a Department issued device.

702.2.3 USE WHILE DRIVING

California law prohibits the use of personal communication devices while operating a motor vehicle on a public roadway. Police personnel operating an on-duty emergency vehicle may use a personal communication device for official business. The use of a personal communication device while driving can cause unnecessary distractions and presents a

Fresno Police Department

Policy Manual

Personal Communication Devices

negative image to the public. Members are encouraged to use "hands free" devices when available. Officers should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call. Members are prohibited from text messaging while operating a vehicle.

Fresno Police Department Policy Manual
Vehicle Operations & Equipment

703.1 POLICY

All Department vehicles will be operated attentively, with due caution and care, consistent with current laws, driving conditions, experience and training received.

703.2 DRIVER'S LICENSE REQUIREMENT

Department vehicles may only be operated by members that possess a valid California Driver's License (CDL). Members required to operate a motor vehicle as part of their employment shall notify their immediate supervisor any time their CDL status is no longer valid or is compromised in any manner. This includes sworn members, reserve officers, CSO's, and cadets. A supervisor may randomly verify the member's CDL status at any time.

Vehicle Maintenance

704.1 POLICY

Members are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

Crime Analysis

800.1 POLICY

The Crime View Bureau will provide crime analysis and statistical data to Department personnel to assist them in developing strategies to reduce crime.

800.1.1 PURPOSE AND SCOPE

The Crime View Bureau relies on timely and accurate data to effectively analyze a crime spike and/or trend. Once the information is analyzed, it is forwarded to affected command staff and other members for their use. Crime analysis plays a critical role in how the Department addresses crime by examining crime trends and clusters.

800.2 DATA SOURCES

Crime View data is extracted from many sources

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime View:

- Crime incident;
- Location factors;
- Victim and target descriptors;
- Suspect descriptors;
- Suspect vehicle descriptors;
- Modus operandi factors; and
- Physical evidence information.

800.4 CRIME ANALYSIS FOCUS AND DISSEMINATION

An analysis will be given to the affected members to find factors that may or may not play a role in the statistical increase with results forwarded to Command staff, investigative units, and patrol officers.

Analysis will be conducted on clusters even if no statistical spike is present.

Property & Evidence

804.1 POLICY

Property and evidence are a critical responsibility of the criminal justice system. Property and evidence will be handled, stored, and processed with due regard to the chain of evidence and those persons authorized to remove and/or destroy property.

804.1.1 PURPOSE AND SCOPE

This policy provides the basic definitions of types of property that may be encountered by members of the Department and the proper handling of the property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm;
- Personal property of an arrestee not taken as evidence; and
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons)).

Found Property - Includes property found by a member or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Records Bureau

806.1 POLICY

The Records Bureau will provide timely, accurate criminal history information, crime reports and professional service to Department members, all law enforcement agencies, and the citizens of Fresno.

806.1.1 PURPOSE AND SCOPE

The purpose of the Records Bureau is to act a central clearinghouse for certain Department records which may be accessed by members of the public, law enforcement, and other government agencies as appropriate.

806.2 REQUISITION OF DEPARTMENT FORMS

The Records Bureau maintains a supply of the various forms used by members.

Members needing Departmental forms shall contact a Records Supervisor, who will arrange for the forms to be made available. The requesting party or designee may pick up the forms, when ready, at the Records Bureau.

Only Records Bureau personnel shall issue forms from the supply room as directed by the Records Bureau Commander and/or Records Supervisor.

Fresno Police Department Policy Manual

Release of Records and Information

810.1 POLICY

Any information possessed by the Department or any member that comes into possession because of the official status as a member of the Department, shall be treated as confidential and shall not be released except as provided herein. These provisions specifically include information available to members from Department files, computer inquiries, and police investigations.

810.1.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department information, reports, and records in accordance with applicable law.

810.2 MEMBER ACCESS

Member's access to Department files, reports, documents, procedures, evidence, details of investigations, computer databases, or other confidential information is limited to situations where the information sought assists in the performance of the member's assigned duties. Requests for other uses of this information shall be routed through the member's chain of command. Information may, however, be provided to a member's legal council within the confines of the attorney client relationship, but shall not be further disclosed without a court order.

Except as otherwise provided by law or in the Policy Manual, access to or use of the above categories of information for the personal interest or benefit of the member or any other person is prohibited.

Members shall not request or examine vehicle registrations, driver's license history, local criminal history or information from an online database service such as LexisNexis on any individual unless the member can substantiate a legitimate official need to know.

Members shall not transfer, copy, or delete any Department files, reports, documents, procedures, evidence, details of investigations, computer databases, digital photographs, E-mails, or other confidential information upon transfer out of the Department, resignation, or termination. Additionally, any disabled computer accounts will be:

- (a) Purged after two years; or
- (b) Held indefinitely pending investigative needs.

The release of information by the Public Information Officer or other members designated by the Chief of Police or his/her designee to hold news conferences, or otherwise address the public with respect to Department operations, shall be governed by the California Public Records Act. (Government Code §6250, et seq.)

810.3 PUBLIC REQUESTS FOR RECORDS

The California Public Records Act (Government Code §6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to the exemptions set forth below in the Act or otherwise established by statute. Public requests for records of this Department shall be processed as follows:

810.3.1 PROCESSING OF REQUESTS

Any member of the public, including the media, may request access to unrestricted records of this Department by submitting a separate written and signed request for each individual and specifically identified request to the Records Bureau (Government Code §6253).

Requests for exempted records from involved individuals, their authorized representatives and other agencies are addressed below. The processing of requests is subject to these limitations:

- (a) The authorized receiving employee shall determine if the requested record is available and/or subject to any exemption from disclosure. This determination may take up to 10 days and an additional 14 day extension may be authorized by the Department head [Government Code §6253(c)];
- (b) The requesting party shall be required to pay in advance any established fee for each record sought [Government Code §6253(b)]; and
- (c) The Department shall not be required to create records which do not otherwise exist in order to accommodate any request under the Public Records Act. When practicable, however, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record.

810.4 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this Department shall be made public subject to the following restrictions:

810.4.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code §293) shall not be made public. Penal Code §841.5 makes it a misdemeanor to release confidential victim information to any potential criminal defendant.
- (b) **Confidential Information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation, shall not be made public.
 - 1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
 - 2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
- (c) **Specific Crimes** - Certain types of reports involving, but not limited to, Child Abuse/Molest (Penal Code §11167.5), Elder Abuse (Welfare and Institutions Code §15633) and Juveniles (Welfare and Institutions Code §827) shall not be made public.
- (d) **General Information** Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code §6254(f).

810.4.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code §1054.5.

810.4.3 CRIMINAL HISTORY INFORMATION

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Penal Code §§11105 and 13300. Members without prior training and authorization to access criminal history directly, shall request criminal history information via the Records Bureau.

Criminal history information is not to be released to any private person for any reason without a court order or authorization from DOJ. Releases on all court orders are to be cleared through the Records Bureau Commander or his/her designee before the information is released.

Criminal history information shall not be released to anyone who is seeking its use for employment reasons. Criminal history information may be released to authorized investigators conducting criminal investigations only. Members shall ask the reason for the request.

810.4.4 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles, other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code §20012. All requests for traffic collision reports shall go through the Records Bureau.

810.4.5 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public [Government Code §6254(c)].

Peace officer personnel records are deemed confidential (Penal Code §832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code 1043, et seq.). These records are kept secured in the Personnel Bureau.

810.4.6 POLICY AND PROCEDURE RELEASES

Policy and procedures are confidential documents and not subject to general public release. All requests for release of policy and procedure shall be routed through the Department's Legal Advisor for approval. Upon approval from the Department's Legal Advisor, the request will be routed to the Policy & Procedures Unit for preparation of the approved documents.

Note: Department legal counsel (City and contracted) and outside law enforcement agencies may be exempted from the above restrictions with approval from the Chief of Police.

810.4.7 CONCEALED WEAPONS PERMITS (CCW)

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public [Government Code §6254(u)].

810.5 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of the Evidence Code relating to privilege [Government Code §6254(k)].

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code §6255).

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure [Government Code §6254(b)].

When release of a record is questionable, members shall route the request to the Legal Advisor.

810.6 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to the Legal Advisor so that a timely response can be prepared.

810.7 RELEASE OF INFORMATION TO HOUSING AUTHORITY

The Patrol Division Commander shall designate a member to act as the Housing Authority Liaison Officer (HALO). Pursuant to Penal Code §11105.03, the HALO may release criminal history information to the Housing Authority. Releasable information includes only those sections described in Penal Code §11105.03 for which the subject was convicted within the last ten years during which time he/she was 18 years of age or older.

Information is confidential and may only be released to the Housing Authority Director or his/her designee. The HALO shall maintain a secure file system containing a record, including any printouts, of each criminal history request and response. Files shall be maintained for a period of three years.

Fresno Police Department Policy Manual

Temporary Holding Cell

900.1 POLICY

The Department shall maintain the custody of prisoners in accordance with the laws as established by the California Department of Corrections and Rehabilitation.

900.1.1 TEMPORARY HOLDING CELLS

The term "temporary holding cell" refers to any physical space used for detaining, processing, questioning, or testing of prisoners.

900.1.2 PRISONER

A prisoner is defined as an arrestee, detainee, or other person that is lawfully in the custody of a Department member.

900.1.3 SUPERVISION OF PRISONERS

Any member who places a prisoner into a temporary holding cell shall maintain or arrange for supervision of that person and be accountable for the safety, custody, and care of the prisoner while on the premises. *Unattended prisoners shall be visually inspected at least once every 30 minutes.*

Prisoners shall have access to water and restroom facilities as mandated by law, while they are in the temporary holding cell.

900.1.4 SEARCH / WANDING OF PRISONER(S)

Prior to placing a prisoner in a temporary holding cell the prisoner shall be searched.

Primary responsibility for searching prisoner(s) rests with the transporting member who delivered the prisoner to HQ/Prisoner Processing Section.

Members shall pat search and utilize a metal detector to wand every prisoner prior to entering the Prisoner Processing Section. This will occur inside the fenced area of the Prisoner Processing Section and prior to members securing their firearms and edged weapons. After the prisoner has been searched, wanded, and has entered the Prisoner Processing Section, he/she shall be placed into a temporary holding cell.

900.1.5 SECURITY INSPECTION OF TEMPORARY HOLDING CELL

Prior to placing a prisoner into, and after removal from the temporary holding cell, members shall conduct an inspection of the cell.

900.1.6 ORTHOPEDIC / PROSTHETIC APPLIANCES

Prisoners will be allowed to keep prescribed orthopedic or prosthetic appliances, including hearing aids and glasses, unless there is an immediate risk of bodily harm to any person or the security of the facility. Appliances removed from prisoners shall be returned when the risk of bodily harm or security risk no longer exists, they are released, or transported to another facility.

900.2 SECURING A PRISONER TO A FIXED OBJECT

A prisoner may only be secured to a fixed object when there are no other suitable methods of detention available, and only to an object that is specifically designed and intended for that use. (e.g., McLane H.S. SRO office fixed post)

A prisoner secured to a fixed object shall not remain secured in that position for more than two hours and he/she shall be under constant supervision.

900.3 SEPARATION OF MALES / FEMALES / JUVENILES

Male and female juveniles shall not be placed in the same temporary holding cell or interview room unless they are under constant, in-person, observation by an officer.

900.3.1 NON-CONTACT REQUIREMENTS BETWEEN ADULT AND JUVENILE PRISONERS

There shall be no contact (verbal, non-verbal, or visual communications) between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners.

California Code of Regulations, Title 15, Article 9, Section 1144, specifies situations in which a juvenile and an adult prisoner may be in the same room, area, or corridor. This may occur only if the member maintains a side-by-side presence with the juvenile to ensure that no communications occur between the juvenile and adult prisoner. The contact shall be limited to the following as it relates to the Fresno Police Department:

- (a). Booking; and
- (b). During the movement of prisoners within Department facilities.

900.3.2 TEMPORARY DETENTION OF JUVENILES

When a member takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy Manual §324 is incorporated as a part of this Manual and should be consulted regarding the policies for the temporary custody of juveniles.

900.4 TIME LIMITATION

It is the policy of the Fresno Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical. A prisoner shall have continuous supervision by a member when they are held in a temporary holding cell.

When a prisoner is detained in excess of 6 hours, they shall be offered a meal. If the detainee chooses to accept a meal, it shall be purchased from a local restaurant the Department has contracted with to provide these services. (See Procedure Manual §600 – Investigation and Prosecution, Section F)

900.5 FIRE PREVENTION, EVACUATION & SUPPRESSION PLAN

Pursuant to Health & Safety Code §13146.1 and California Code of Regulations Titles 19 and 24, all temporary holding cells will meet or exceed state fire code standards. All temporary holding cells will be subject to annual inspection to ensure compliance. A copy of the inspection report will be retained in the Investigative Services Division office. The inspection shall include the following:

- (a). All exits and fire escapes are properly maintained, illuminated with appropriate signs, and free of obstructions;
- (b). Supervisory personnel are continually on duty and effective provisions are made to remove occupants in case of fire or other emergencies;
- (c). All first-aid, fire fighting equipment, and fire extinguishing equipment is properly located and maintained;
- (d). An automatic fire suppression system is properly maintained and working; and
- (e). Fire drills that are conducted quarterly for each shift.

In addition, the Department shall ensure that at least one person is on duty who meets the training standards established for general fire and life safety specific to the facility.

All persons responsible for prisoners held in temporary holding cells shall be made aware of the fire & evacuation safety plans and receive training in prisoner searching and transportation techniques during the new officer orientation and police training program.

900.6 PRISONER PROCESSING SECTION TEMPORARY HOLDING CELL SECURITY

Any prisoner brought into the Prisoner Processing Section for identification verification or processing purposes shall be accompanied by a minimum of two personnel. This includes sworn officers, Cadet

II's, or Criminology 108 Reserves. Both personnel shall remain with the prisoner at all times during the identification process to provide prisoner security for Prisoner Processing Section personnel and Department members.

900.6.1 PRISONER ACCESS

Only members, authorized personnel, or prisoners shall be allowed access to the temporary holding cell areas.

Juvenile prisoners shall not be brought into contact with adult prisoners or the adult temporary holding cell area.

Members from the public who are on a Department tour may only access the temporary holding cell area when there are no prisoners and only with permission of the on duty Crime Scene Bureau Supervisor. Persons on ride-a-longs are exempt from this restriction.

900.7 STATE SECURITY HOLDING FACILITY AUDIT

A security inspection of the temporary holding cell areas shall be conducted by the Department of Corrections or their designee to ensure the Department complies with Local, State and Federal regulations. A copy of the most recent inspection report is available from the shift supervisor in the Crime Scene Bureau.

900.7.1 ADMINISTRATIVE REVIEW

The department will ensure an administrative review of temporary detention areas and procedures is conducted at least once every three years.

Fresno Police Department Policy Manual

Transportation of Prisoners

901.1 POLICY

Members shall seek the mode of transportation which provides the most efficient response while ensuring adequate security for the type of prisoner(s) involved. The number of prisoners transported at any one time shall not exceed the manufacturer's suggested occupancy rate of the vehicle.

Note: Transportation requests from outside agencies must be approved by the On-Duty Supervisor responsible for the transportation wagons/vehicles.

PURPOSE AND SCOPE

It is the purpose of this policy to establish guidelines for the safe and efficient transportation of prisoners.

901.1.1 DEFINITION

Prisoner – Is an arrestee, detainee, or other person that is lawfully in the custody of a Department member.

901.1.2 MALE PRISONERS

Male prisoners shall be transported in security vehicles to the extent it is practical. It is permissible to transport males in transportation wagons/vans when there are multiple prisoners, when the prisoner is violent, extremely dirty, or when approved by the On-Duty Supervisor responsible for the transportation wagons/vehicles.

901.1.3 FEMALE PRISONERS

Female prisoners shall be transported in security vehicles to the extent it is practical. Transportation wagons/vans may be used under the same circumstances as provided for males.

901.1.4 JUVENILE PRISONERS

The same guidelines listed in this policy which govern the transportation of adult prisoners shall apply to the transportation of juvenile prisoners.

901.1.5 SEPARATION OF MALES / FEMALES / JUVENILES

Male prisoners may only be transported with female prisoners in vehicles equipped with separate compartments that allow for no contact between separated prisoners.

901.2 RESTRAINT OF PRISONERS

901.2.1 HANDCUFFS

Refer to Policy Manual §306

901.2.2 LEG RESTRAINT (I.E. "RIPP" HOBBLE RESTRAINT)

Refer to Policy Manual §306

901.2.3 TEMPORARY PLASTIC RESTRAINING STRAPS

When a large number of persons are arrested at one location, they may be handcuffed with plastic restraints (e.g. *Flex Cuffs*) available from the PECS. Suspects arrested in this manner should be

restrained with their hands behind their back, with the wrists crossed and the palms facing outward. Caution should be taken to ensure that the straps are adjusted to restrict movement and prevent removal with allowance for adequate circulation. [Refer to Policy Manual §306](#)

901.2.4 EXPECTORANT SHIELD (I.E. SPIT HOOD/MASK)

When a prisoner attempts to bite and/or spit on members the Department approved expectorant shield may be used to protect the safety of the member. [Refer to Policy Manual §306.](#)

901.3 MEMBER/PRISONER SEPARATION

All prisoners transported in Department vehicles utilized for prisoner transport shall be seated behind the protective screen in the secured seated area where they may be observed by the transporting Department member(s). The Department member(s) shall be seated in front of the protective screen portion of the vehicle (e.g. driver in driver's seat, and if applicable, assisting officer in the front passenger seat)

901.4 PRISONER COMMUNICATIONS

Prisoners may, at the Department member's discretion, be allowed to talk briefly with family or significant others at the scene of their arrest to make necessary arrangements for the control of property, vehicles, etc.

Delays or special concessions for prisoners to communicate with attorneys, family members or others will not be made during transportation.

901.5 RESPONSIBILITY DURING TRANSPORT / DELIVERY OF PRISONERS

Members are responsible for the safe delivery of prisoners and the prisoner's property under the member's control. Members shall exercise due care and caution in transporting and processing prisoners to prevent personal injury or property loss by any prisoner for whom they are responsible.

901.6 SEARCH OF PRISONER(S) AT HQ / PRISONER PROCESSING

Primary responsibility for searching prisoner(s) rests with the transporting member who delivered the prisoner to HQ or the Prisoner Processing Section.

901.7 PRISONER TRANSPORTS TO FCJ/FCJH

When a member transports a prisoner(s) to FCJ/FCJH, he/she is responsible for the safety and security of the prisoner(s) until he/she is turned over to the receiving agency.

901.8 SUICIDAL PRISONERS

Suicidal prisoners shall be handled consistent with [Policy Manual §418](#).

Recruitment and Selection

1000.1 POLICY

Candidates for job openings will be selected based on job qualifications, merit, ability, competence and experience.

PURPOSE AND SCOPE

The Fresno Police Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex. The rules governing employment practices are maintained by the Fresno Police Department.

1000.1.1 RECRUITMENT

The Department will conduct active recruitment to reach all appropriate sources to obtain qualified employees, including minorities, females, disabled veterans, and older workers, on a nondiscriminatory basis. Efforts toward equal opportunity shall be designed to meet the City of Fresno's staffing needs at all levels.

1000.2 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Fresno Police Department and City of Fresno, maintain standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies, which will allow it to lawfully exclude persons who do not meet the Fresno Police Department, City of Fresno, the State of California, and Federal (ADA) hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a job dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for some public safety applicants:

1000.2.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid California Driver's License;
- (b) The ability to drive safely;
- (c) The ability to operate a motor vehicle in all types of weather conditions; and
- (d) The following may result in disqualification:
 - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

Fresno Police Department

Policy Manual

Recruitment and Selection

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.2.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.;
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel;
- (c) Showing strong moral character and integrity in dealing with the public;
- (d) Being honest in dealing with the public; and
- (e) The following may result in disqualification:
 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies; or
 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.2.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction; and
- (b) The following may result in disqualification:
 1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application;
 2. Conviction for two or more misdemeanor offenses under California law as an adult;
 3. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers);
 4. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft; or
 5. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.

1000.2.4 DEPENDABILITY

- (a) A record of being motivated to perform well;
 - (b) A record of dependability and follow through on assignments;
 - (c) A history of taking the extra effort required for complete accuracy in all details of work;
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Fresno Police Department

Policy Manual

Recruitment and Selection

- (d) A willingness to work the hours needed to complete a job; and
- (e) The following may result in disqualification:
 - 1. Missing any scheduled appointment during the process without prior permission;
 - 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations;
 - 3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult;
 - 4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement;
 - 5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability;
 - 6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged; or
 - 7. Having any outstanding warrant of arrest at time of application.

1000.2.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information;
- (b) The ability to recall information pertaining to your job assignment;
- (c) The ability to learn and to apply what is learned; and
- (d) The following may result in disqualification:
 - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application; or
 - 2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement.

1000.2.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others;
- (b) Empathy;
- (c) Discretion;
- (d) Effectiveness in dealing with people;
- (e) The ability to understand the motives of people and how they will react and interact; and
- (f) The following may result in disqualification:
 - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination;
 - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation; or

Fresno Police Department

Policy Manual

Recruitment and Selection

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.2.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations;
- (b) The ability to make sound decisions on the spot;
- (c) The ability to use good judgment in dealing with potentially explosive situations;
- (d) The ability to make effective, logical decisions under pressure; and
- (e) The following may result in disqualification:
 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws; or
 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.2.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession may be consideration for automatic disqualification for public safety applicants:
 1. Any adult/juvenile use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment;
 2. Any adult/juvenile use or possession of marijuana within one year prior to application for employment;
 3. Any other illegal adult/juvenile use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment;
 4. Any illegal adult/juvenile use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field;
 5. Any adult/juvenile manufacture or cultivation of a drug or illegal substance;
 6. Failure to divulge to the Department any information about personal illegal use or possession of drugs; or
 7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 1. Any illegal use or possession of a drug as a juvenile;
 2. Any illegal adult/juvenile use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than three years ago or cocaine use longer than three years ago.); and
 3. Any illegal or unauthorized use of prescription medications.

Fresno Police Department Policy Manual

Evaluation of Employees

1002.1 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to race, sex, sexual orientation, gender, gender identity or expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, or military and veteran status.

1002.1.1 PURPOSE AND SCOPE

The purpose of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 ANNUAL EVALUATION DUE DATES

Performance evaluations are required annually or quarterly for all Department members.

1002.2.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officer Operations Manual.

Grievance Policy

1006.1 POLICY

All grievances will be handled as quickly and fairly as possible without discrimination against members who file a grievance whether or not there is a basis for the grievance.

1006.1.1 PURPOSE AND SCOPE

Our Department's philosophy is to promote free communication between members and supervisors when a dispute arises while seeking a timely but equitable resolution.

1006.1.2 GRIEVANCE DEFINED

A grievance involves the claimed misapplication or misinterpretation of a rule or regulation relating to an existing right or duty; it does not relate to the establishment or abolition of a right or duty. (Fresno Municipal Code § 3-618).

Grievances may be brought by an individual member or by a group representative.

Fresno Police Department Policy Manual
HIV Testing

1008.1 POLICY

Any member who believes that he/she came into contact with bodily fluids of an individual shall contact a supervisor and complete the required forms.

1008.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of contacts with the bodily fluids of individuals and an HIV testing procedure in accordance with the Legislature's declaration of a public health crisis in Penal Code §7500, et seq.

1008.2 REPORTING REQUIREMENTS

Any member who believes that he/she came into contact with bodily fluids of an individual shall complete a Fresno/Kings/Madera Emergency Medical Services form titled Confidential *Communicable Disease Exposure* Report (herein referred to as Confidential Report).

1008.2.1 CONFIDENTIALITY OF ALL REPORTS

All information obtained and reported pursuant to this policy shall be kept confidential and may not be released except as provided by law (Penal Code §7517).

1008.2.2 MISDEMEANOR TO FILE FALSE REPORT

Any member who willfully files a false Confidential Report or a false request for HIV testing may be subject to discipline as well as misdemeanor criminal sanctions (Penal Code §7540).

1008.3 AVAILABLE COUNSELING

In addition to any other available employee assistance programs, personal counseling maybe available through the Fresno County Health Services Agency to any law enforcement employee who has filed a Confidential Report.

1008.4 PROCEDURE TO DETERMINE TESTING

Within three calendar days of receipt of the Confidential Report, regardless of whether or not a request for testing was made, the Fresno County Health Services Agency shall determine whether or not the involved individual shall be required to submit to HIV testing.

Any individual ordered by the Fresno County Health Services Agency to submit to HIV testing has three calendar days to appeal such an order. If no appeal is filed in a timely manner, the order of the Fresno County Health Services Agency shall become final.

Any Fresno County Health Services Agency order may be appealed by the individual or the involved employee to the Superior Court which is required to review the matter as expeditiously as possible (Penal Code §7516.5).

1008.5 TESTING PROCEDURE

In the event that an individual is ordered to be tested for HIV, such tests shall consist of a blood sample withdrawn in a medically approved manner by a licensed physician, nurse, medical technician, or phlebotomist (Penal Code §7530).

All test samples shall be submitted to Fresno County Health Services Agency for the conducting of HIV testing.

1008.5.1 REFUSAL TO SUBMIT TO TESTING

Any person who has been ordered to submit to HIV testing and, who refuses to submit to such testing shall be subject to revocation of bail, probation, or other sentence [Penal Code §7519(a)]. The department must then process a Confidential Report of Court-Ordered HIV Testing through the Legal Advisor in order to obtain a specimen.

The refusal of any probationer or parolee to submit to required HIV testing shall be considered a violation of probation or parole.

Reporting of Employee Convictions

1010.1 POLICY

All members shall be required to notify the Department of any past and current criminal convictions.

1010.1.1 PURPOSE AND SCOPE

Convictions of certain offenses and/or restraining orders that may restrict or prohibit a member's ability to properly perform official duties must be reported to the employee's immediate supervisor or the Chief of Police his/her designee as soon as practicable.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as misdemeanors under federal or state law, having as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 United States Code § 922(d)(8)).

Penal Code § 12021(c)(1) prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm.

Family Code § 6389 prohibits any person from carrying a firearm if he/she is currently the subject of a domestic violence restraining order (including temporary and emergency orders).

1010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with law enforcement duties and the public trust.

Alcohol and Drug Use Policy

1012.1 POLICY

The Fresno Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1012.1.1 PURPOSE AND SCOPE

The purpose of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any Department member or member of the public.

1012.2 GENERAL GUIDELINES

The consumption of alcohol or other intoxicants is prohibited by on-duty personnel (except as necessary in the performance of an official special assignment and not to the extent of impairing on-duty performance).

Fresno Police Department Policy Manual

Leaves of Absence

1013.1 POLICY

Employees shall be allowed to take time off in accordance with their applicable MOU.

1013.1.1 PURPOSE AND SCOPE

To describe and outline to employees the circumstances and conditions under which leave will be afforded to an employee.

1013.2 ANNUAL VACATION

Employees shall be allowed to take, without restrictions, one annual vacation during the time period they have reserved on the vacation signup list.

1013.3 OTHER TIME OFF REQUESTS

Requests for unscheduled time off may be made up to 14 days in advance of the requested date.

The Duty Officer may authorize time off when the citywide staffing level for the specific shift is above the minimum level. Only the Patrol Division Commander or his/her designee can approve requests for time off at/below the minimum staffing buffer.

1013.4 LEAVE WITHOUT PAY

Less than 10 Consecutive Days - Employee requests for leaves without pay LWOP for less than 10 consecutive days shall be forwarded to their division commander for consideration of approval. Upon approval, the request shall be forwarded to the Fiscal Affairs Bureau for processing.

10 or More Consecutive Days - Use of LWOP for periods longer than 10 or more consecutive days must be *submitted through the member's chain of command with final approval consideration* by the Chief of Police.

Leave without pay shall not be approved if the employee has a balance of vacation, compensatory time or holiday time *unless prior authorization has been obtained from the City manager*.

1013.5 ABSENCE WITH SUBSTITUTE (AWS)

As provided in the Basic Unit 4 MOU and FCEA Unit 3 MOU, employees may provide a substitute employee to work for another when staffing levels do not permit the employee to take time off. The substitute must be satisfactory to the Department.

1013.6 MILITARY LEAVE

Military leave requests will be handled in accordance with Fresno Municipal Code (FMC) §3-111.

1013.7 GUARANTEED LEAVE

Two times during each patrol matrix semester, employees assigned to patrol, may submit a request for guaranteed leave as outlined in the Basic Unit 4 MOU.

Two times during each fiscal year, employees covered under the FCEA Unit 3 MOU may take time off to attend a major family or social event, subject to the conditions listed under the "Family Events" section of this MOU.

1013.8 LEAVE OF ABSENCE DURING PROBATION

Time spent on any leave of absence shall not be considered as a part of any probationary period, and such time will be added to the probationary period.

Sick Leave Reporting

1014.1 POLICY

Sick leave usage and absenteeism can adversely affect the Department's ability to provide service to the public. Excessive absenteeism is costly, time-consuming, and hinders Departmental operations. Sick-leave usage will be monitored, and subject to verification, if necessary. Sick leave is not considered vacation. Abuse of sick leave may result in discipline.

1014.1.1 PURPOSE AND SCOPE

Employees are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified numbers of hours are detailed in each employee's Memorandum of Understanding (MOU). Sick time may only be used when an employee is unable to work due to personal injury (off-duty), illness, or a member of the employee's immediate family (child, parent, spouse, or domestic partner) is ill and the employee must care for that individual. Sick leave shall be administered in accordance with the provisions of FMC § 3-107, Sick Leave and Special Leave, current MOU's, City Administrative Orders, and any applicable federal and state statutes.

Communicable Diseases

1016.1 POLICY

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to care for member(s), limit potential liabilities, and ensure that the best protection is available.

1016.1.1 PURPOSE AND SCOPE

It is the purpose of this policy to assist members in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury by:

- Reducing exposures to bloodborne pathogens and other potentially infectious body fluids;
- Assisting members in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment;
- Protecting the privacy rights of all members who may be exposed to or contract a communicable disease during the course of their duties; and
- Providing appropriate treatment and counseling should a member be exposed to a communicable disease.

Smoking Policy

1018.1 POLICY

Use of tobacco products are not permitted within any Department owned or occupied facility. Tobacco products shall not be used while in any Department vehicle.

1018.1.1 PURPOSE AND SCOPE

The Surgeon General has determined that tobacco smoke can be hazardous to the health of others. Tobacco products may also be offensive to some Department members and members of the public.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including Department facility) (Government Code § 7596 et seq.).

Members in uniform are prohibited from using any tobacco products while in public view.

Fresno Police Department Policy Manual

Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any Department member that, if true, would constitute a violation of Department policy, federal, state or local law. A major allegation is any serious act of misconduct including, but not limited to, lack of integrity, excessive force, insubordination, abuse of authority, discrimination, harassment, or criminal conduct. Major allegations shall be handled formally and documented as a Receipt of Complaint.

An inquiry involves a question about the policy or procedures of the Department. This type of communication usually stems from a lack of or faulty understanding of the circumstances of a member's conduct or of the policies, rules, and procedures of the Department. An inquiry may be resolved by the member in question or by his/her immediate supervisor, whereas a complaint normally requires a more extensive internal administrative investigation. A resolved inquiry may be documented on an Inquiry Complaint Form (ICF).

Inquiries about member conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Department supervisor and shall not be considered complaints.

An unresolved inquiry arises when the actions in question are within Department policy and procedure, or are disputed and cannot be determined, and the inquirer is not satisfied with the supervisor's explanation. An unresolved inquiry shall be documented on an ICF and forwarded through the chain of command to the Internal Affairs Bureau for tracking.

1020.2 CLASSIFICATION OF COMPLAINTS

Personnel Complaints shall be classified in one of the following categories depending on how they will be handled:

Informal – A matter which can be handled at supervisor level within a division. Dependent upon the seriousness of the allegation, an informal complaint may be documented on an ICF or in a Receipt of Complaint format.

Formal – A matter in which a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor or referred to the Internal Affairs Bureau depending on the seriousness and complexity of the investigation.

Personnel Complaints shall be classified in one of the following categories depending on origin:

Internal - A complaint by any member, agent, officer, or employee of a federal, state, or local agency (Including the City of Fresno) acting within the scope of his or her membership, agency, office, or employment.

External - A complaint against a member generated by a "member of the public".

Personnel Complaints shall be classified in one of the following categories depending on type of violation:

Non-Criminal - An allegation of a violation of Department or City policy which, if true, would not constitute a misdemeanor or felony crime.

Misdemeanor - As defined by California law.

Felony - As defined by California law.

In determining whether to classify an allegation of criminal conduct to be a misdemeanor or felony, if the alleged criminal offense is a "wobbler" and can be charged as a misdemeanor or felony, it shall be classified as a felony.

1020.2.1 PERSONNEL COMPLAINTS INVOLVING RACIAL OR IDENTITY PROFILING

Any complaints involving racial or identity profiling, must document the specific type(s) of profiling alleged: based on race or ethnicity (including color), nationality, age, religion, gender, gender expression, sexual orientation, mental disability, or physical disability. Any such complaint must indicate one or more of the applicable categories:

- a) Race or Ethnicity bias: Defined as a preformed negative opinion or attitude toward a group of persons, such as Asians, blacks, or whites, based on physical characteristics or toward a group of persons of the same race who share common or similar traits in language, custom, and tradition.
- b) Nationality bias: Defined as a preformed negative opinion or attitude toward a group of persons based on their national origin.
- c) Gender bias: Defined as a preformed negative opinion or attitude toward a group of persons based on their gender.
- d) Age bias: Defined as a preformed negative opinion or attitude toward a group of persons based on their age.
- e) Religion bias: Defined as a preformed negative opinion or attitude toward a group of persons based on religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. Examples are Catholics, Jews, Protestants, or Atheists.
- f) Gender identity or Expression bias: Defined as a preformed negative opinion or attitude toward a group of persons based on how that group chooses to identify or express their gender preference.
- g) Sexual orientation bias: Defined as a preformed negative opinion or attitude toward a group of persons based on sexual preferences and/or attractions toward and responsiveness to members of their own or opposite sexes.
- h) Mental disability bias: Defined as a preformed negative opinion or attitude toward a group of persons based on mental impediments/ challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.
- i) Physical disability bias: Defined as a preformed negative opinion or attitude toward a group of persons based on physical impediments/ challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other police, government, community facilities, and via the City of Fresno website at www.fresno.gov/Government/DepartmentDirectory/Police/IAComplaint.htm.

1020.2.2 SOURCE OF COMPLAINTS

- (a) A Department member becoming aware of alleged misconduct shall immediately notify a supervisor.

- (b) A supervisor receiving a complaint from any source alleging misconduct of a member which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

Supervisors assigned to handle an inquiry/complaint shall ensure that the inquirer/complainant is re-contacted within two working days of the supervisor receiving the inquiry/complaint. The supervisor is responsible for providing progress reports, and ultimately the disposition, to the inquirer/complainant. In those instances where an internal affairs investigation is conducted, Internal Affairs will notify the complainant of the disposition.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, by telephoning the Department, or at the City of Fresno website at www.fresno.gov/Government/DepartmentDirectory/Police/IAComplaint.htm. Although not required, every effort should be made to have the complainant appear in person.

1020.2.4 COMPLAINT DOCUMENTATION

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to insure accuracy in any complaint, a recorded statement shall be obtained from the reporting party, however, a refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code §832.7.

1020.3 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded – When the investigation clearly established that the allegation is not true. Complaints which are determined to be frivolous will fall within the classification of unfounded [Penal Code §832.5(c)].

Exonerated – When the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.

Not Sustained – When the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

Sustained – When the investigation disclosed sufficient evidence to prove the truth of the allegation in the complaint by the preponderance of evidence.

Withdrawn – After completion of the Public Safety Mediation Program.

1020.4 PUBLIC SAFETY MEDIATION PROGRAM

The Public Safety Mediation Program, hereinafter Program, will operate as an alternative form of resolution to the traditional complaint handling process, based upon the idea individuals are likely to achieve resolution through constructive dialogue and increased mutual understanding.

Mediation is a voluntary process involving numerous stakeholders, including community members, police officers, police administration and the Office of Independent Review (OIR). There is no right to mediation, however, the program is available when the Department's command staff and the OIR have determined a complaint to be eligible and only after the involved officer(s), first, and then the citizen(s), second, has/have agreed to participate in the Program.

Even if a complaint is eligible for mediation, any stakeholder may decline to allow a complaint to be resolved through the mediation process for any reason. No stakeholder shall be required to state the

reason for declining to participate in mediation or agreeing to assign a case for mediation. Statements made during mediation cannot be used against a police officer in a criminal or civil matter. Furthermore, the decision to mediate a matter or not to mediate a matter cannot be considered during disciplinary proceedings in comparing the discipline issued in previous matters to that issued in a pending matter (i.e., cannot be used for purposes of considering “progressive discipline”). A complaint will be withdrawn upon the completion of a mediation session coordinated by the OIR.

1020.4.1 PROGRAM GOALS

The Program will seek to achieve the following goals:

- (a) Improve police relations with the community;
- (b) Provide police employees and community members an opportunity to come together and explain their perspectives to one another;
- (c) Provide citizens with an opportunity for dialogue and to affirm confidence in the Department’s investigation of citizen complaints;
- (d) Resolve citizen complaints in a timely and financially efficient manner; and
- (e) Allow the parties involved to exercise direct control over the resolution of these complaints, thereby providing the parties with a feeling of empowerment and closure.

1020.4.2 INELIGIBLE COMPLAINTS

The Program will not be available for the following types of complaints:

- (a) Any incident which allegedly involves serious abuse, misuse of authority, or unethical behavior;
- (b) Any incident that results in a serious impact on officer safety or the public safety or to the professionalism of the Department;
- (c) Any incident that constitutes a willful and wanton disregard of the Department’s values;
- (d) Any incident where the complainant and/or the involved officer(s) themselves is/are being investigated by any law enforcement agency for a criminal matter; and
- (e) Any complaint arising from the issuance of a traffic citation.

1020.4.3 CONFIDENTIALITY

The mediation will be conducted in a confidential, fair and respectful setting, guided by a professional and impartial mediator who is trained in facilitation and negotiation of citizen complaints and has received specialized training in law enforcement and police practices. Mediation will be conducted only after the execution of a legally binding confidentiality agreement by the parties and will result in a prompt dismissal of complaint and the closure of the Department’s file against the involved officer(s) without any further investigation. The contents of any mediation session cannot be used in any civil, criminal or administrative proceedings.

1020.4.4 NON-WAIVER OF RIGHTS UNDER GOVERNMENT CODE §3300 ET SEQ.

An officer’s participation in the Program is NOT a waiver of his/her rights under GC §3300 et.seq. [Police Officer Bill of Rights (POBR)], and the Mediation Agreement will contain a non-waiver of POBR provision. Officers who participate in the Program shall be considered to be within the course and scope of employment.

Fresno Police Department Policy Manual

Seat Belt Use

1022.1 POLICY

All members shall wear available safety restraints whenever operating a Department vehicle as outlined in this policy.

1022.1.1 PURPOSE AND SCOPE

Vehicle Code §27315.5 requires law enforcement agencies to adopt a policy concerning the use of seat belts. Additionally, the use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision.

1022.2 WEARING OF SAFETY RESTRAINTS

Under unusual circumstances or if a potentially dangerous situation is either perceived or anticipated, safety restraints may be removed to allow for a more rapid response to the situation.

All nonmembers occupying the front seat of a police vehicle shall be required to wear available safety restraints.

All persons occupying the rear seat of a police unit shall wear available safety restraints unless physical conditions would prevent such from being applied.

This section shall not apply to prisoner transportation wagons or vans pursuant to Vehicle Code §27315(g).

1022.3 CHILD PASSENGER RESTRAINT SYSTEM

Members transporting children under 8 years of age or less than 80 pounds should make every effort to utilize an appropriate child passenger restraint system meeting current federal motor vehicle safety standards, and should attempt to obtain these restraints through all available means (e.g., on-duty volunteers, family members of the child, or CPS). Where an appropriate child passenger restraint system is unavailable or impractical based on patrol vehicle design, and the circumstances warrant the immediate transportation of a child under 8 years or less than 80 pounds, the member may, with supervisor approval, transport the child without the use of that system, but the child shall be secured by available means and transported in an authorized emergency vehicle only.

Telephone and Address Requirements

1025.1 POLICY

Members shall provide the Department with their current phone number and street (residence) address. Members using post office boxes or mailing addresses other than their street address shall also provide the Department with that information.

1025.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the Department has the information necessary to effectively communicate with its members in a timely and appropriate manner.

Peace Officer Personnel Files

1026.1 POLICY

It is the policy of this Department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.1.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention and access to peace officer personnel files in accordance with established law.

1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Master Personnel File - That file which is maintained in the Personnel Bureau as a permanent record of a sworn officer's employment with this department.

Pre-Employment File - The Personnel Bureau maintains a separate file on each member that is restrictive to pre-employment background and history information. No other documentation may be placed in this file.

Divisional File - Any file, which is separately maintained internally by a member's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of a member of this Department.

Training File - Any file which documents the training records of a member.

Internal Affairs Files - Those files that contain complaints of member misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Fresno Police Department

Policy Manual

Peace Officer Personnel Files

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the County Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this Department may be guilty of a misdemeanor (Penal Code § 146(e)).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1026.6 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.6.1 DEFINITIONS

Brady Material - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this Department.

Penal Code § 1054.1 - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

1026.6.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating

Fresno Police Department

Policy Manual

Peace Officer Personnel Files

the conduct of an officer or this Department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this Department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

1028.1 POLICY

The Department will provide equal opportunity to all eligible employees to apply for assignments in the following divisions:

- Office of the Chief Division;
- Patrol Division;
- Support Division;
- Investigative Services Division; and
- *Administrative Services* Division.

Employee Commendations

1030.1 POLICY

The Fresno Police Department rewards our members for creativity, hard work, and being responsive to the needs of the community and the Department. This policy identifies those valued members that make significant contributions through their work efforts.

1030.1.1 PURPOSE AND SCOPE

Special recognition may be in order when a member performs his/her duties in an exemplary manner. This policy provides general guidelines for the commending of exceptional member performance. Supervisors shall note all written and higher commendations in the member's performance evaluation covering the time period during which the commendation is awarded.

1030.2 ACHIEVEMENT AWARDS

Achievement awards are commendations given in recognition of achieving an established level of proficiency, or for attaining an established level of performance.

1030.3 MAJOR COMMENDATIONS

A major commendation and award may be given for the outstanding performance of duty or for an action involving commendatory bravery. Such commendations shall include the conferring of a Department medal and citation, along with documentation placed in the member's personnel file.

Below is a listing of the Fresno Police Department Major Commendations:

1030.3.1 MEDAL OF VALOR

The Medal of Valor is the highest commendation awarded by the Department. It may be awarded to members who display extreme courage while consciously facing mortal danger during a police action in an effort to provide protection or preservation of life.

1030.3.2 MEDAL OF MERIT WITH VALOR

The Medal of Merit with Valor may be awarded to members who distinguish themselves by bravery or heroism during a police action, which is above and beyond the normal demands of duty. It is differentiated from the Medal of Valor in that the element of mortal danger is not present.

1030.3.3 MEDAL OF MERIT FOR MERITORIOUS SERVICE

The Medal of Merit for Meritorious Service is awarded to members for exceptional performance in other than a police action. Unlike the Outstanding Achievement Award, the Medal of Merit is reserved for projects of a larger scope, such as the conception or development of a new unit, program, or process which has greatly benefited the City, Department, and/or the law enforcement profession.

Fresno Police Department

Policy Manual

Employee Commendations

1030.3.4 OUTSTANDING ACHIEVEMENT AWARD

The Outstanding Achievement Award is given to members for exceptional performance or career achievement in an assignment which is clearly above that which is normally expected and which has contributed materially to the success of a unit, project or operation.

1030.3.5 LIFESAVING MEDAL WITH VALOR

The Lifesaving Medal with Valor is awarded to members who meet the lifesaving criteria and distinguish themselves by an act of bravery or heroism above and beyond the normal demands of duty.

1030.3.6 LIFESAVING MEDAL

The Lifesaving Medal is awarded to members whose immediate life sustaining actions result in the saving of human life. The action must be personally performed by the member and must be confirmed by medical personnel (when applicable), or by the member's supervisor, as a life sustaining or life extending action without which an apparent loss of life could have resulted.

1030.3.7 VAN METER AWARD

The Van Meter Award is given in memory of Officer Harry Van Meter, who was the first Fresno Police Officer to be killed in the line of duty, February 21, 1907. The Van Meter Award may be given to an officer who is seriously injured in the performance of duty. The injury must be a result of unlawful force aimed at the officer which could have resulted in death.

1030.3.8 SAXON AWARD

The Saxon Award is given in honor of K-9 Saxon, who was the first Fresno Police Service Animal to be seriously injured in the line of duty, August 22, 2002. The Saxon Award may be given to a police service animal that is seriously injured in the performance of duty. The injury must be a result of unlawful force aimed at the animal, or his handler, which could have resulted in death.

Wellness Program

1031.1 POLICY

The Wellness Program provides for a monetary incentive for achieving and maintaining health goals and standards for Fresno Police Officers Association (FPOA) members.

1031.1.1 PURPOSE AND SCOPE

With the Memorandum of Understanding between the City of Fresno and FPOA(Non-Supervisory Police-Unit 4), the Wellness Program Development Committee (WPDC) was created for the purpose of developing a Departmental Wellness Program (WP).

1031.2 THE WELLNESS PROGRAM DEVELOPMENT COMMITTEE (WPDC)

The WPDC is responsible for providing all aspects of the program to include, policy administration, oversight, and maintenance. The WPDC is composed of members selected by the Chief of Police or designee and the FPOA.

1031.3 CONFIDENTIAL INFORMATION

All information and records pertaining to the individual officer, including health, medical, and fitness information, will be confidential and will remain under the control of the Health Coordinator. The only information to be provided to the City or the Department is that of attendance and participation to facilitate administration and disbursement of incentives.

The WP is outlined in this policy and implementation of any WP policy modifications shall be at the discretion of the WPDC.

1031.4 WELLNESS PROGRAM GOALS

The WP seeks to improve the overall health and fitness of officers by reducing the risk of cardiovascular disease and by striving to decrease risk factors such as stress, blood pressure, and high cholesterol levels. The WP also seeks to reduce the risk of cardiovascular disease and to improve health by encouraging smoking cessation and by encouraging officers to improve physical fitness levels. In addition to improving the health and fitness status of participating officers, the Department may receive financial benefits such as reduced absenteeism, reduced health care costs, reduced sick leave usage, and reduced officer turnover.

1031.5 WELLNESS PROGRAM INCENTIVE

Funding for the WP will be established and outlined in the current MOU.

Officers will be rewarded for achieving participation goals and maintaining standards in the areas described in this policy.

1031.6 WELLNESS PROGRAM SERVICE PROVIDER

The contracted WP service provider will assist the WPDC in the ongoing development and maintenance of a comprehensive program to meet the health and fitness needs of participating officers. Every effort will be made to provide officers with opportunities to improve their health. In developing the health and fitness program, the contracted WP

Fresno Police Department

Policy Manual

Wellness Program

service provider may take into consideration benchmark data from various successful law enforcement health and wellness programs and organizations such as the Cooper Institute for Aerobic Research.

1031.7 HEALTH AND FITNESS COORDINATOR DUTIES

The Health and Fitness Coordinator functions will include:

- (a) The administration of health interest surveys and fitness testing (following American College of Sports Medicine guidelines) while ensuring maximum accessibility to members;
- (b) Tracking program participation and points;
- (c) Conducting one-on-one consultations and responding to questions and inquiries;
- (d) Coordinating and teaching exercise programs, nutrition and weight management programs, and stress management courses;
- (e) Promoting the WP incentive program as well as its' services and activities;
- (f) Publishing a quarterly health promotion newsletter;
- (g) Coordinating with the WPDC and with external resources such as county services and local fitness centers;
- (h) Creating injury prevention programs; and
- (i) Assisting officers with smoking cessation programs.

Fresno Police Department Policy Manual

Fitness for Duty & Employee Intervention Programs

1032.1 POLICY

All officers are required to be free from any physical, emotional, or mental condition, which might adversely affect the exercise of peace officer powers.

1032.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all *members* of this Department remain fit for duty and able to perform their job functions (Government Code §1031).

1032.1.2 FITNESS FOR DUTY

A member may be scheduled for consultation with a medical service provider upon recommendation of the member's Division Commander *and the concurrence of the Administrative Services Division Commander*, when a member's behavior, actions, or performance is such that a reasonable person would have concerns regarding fitness for duty, the member's personal safety, or the safety of others. When a member is referred for a psychological or physical assessment to determine fitness for duty, the medical service provider will submit a report directly to the Chief of Police or a designated representative, and will report only diagnosis and prognosis pertaining to the member's fitness for duty.

1032.2 EMPLOYEE RESPONSIBILITIES

- (a). It shall be the responsibility of each member of this Department to maintain good physical condition sufficient to safely and properly perform the duties of their job function;
- (b). Each member of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints;
- (c). During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities;
- (d). Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a). A supervisor observing a member or receiving a report of a member who is perceived to be unable to perform their duties shall take prompt and appropriate action in an effort to resolve the situation;
- (b). When feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the member to perform his/her duties;
- (c). In the event the member appears to be in need of immediate medical or psychiatric treatment, a *District Commander shall be notified* all reasonable efforts should be made to provide such care;
- (d). *The District and Bureau Commanders will make a joint determination as to whether or not the member should be temporarily relieved from his/her duties;*
- (e). The Chief of Police shall be promptly notified in the event that any member is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1032.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members are limited to an accrued total of 70 work hours, including mandatory court appearances, within a work week. Of the 70 total work hours, members are not to exceed 16 hours of outside employment. Additionally, members shall have at least one non-work day during each work week.

Except in very limited circumstances, members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or *temporarily relieve from duty* any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, hold-over, training, general overtime and any other work assignments.

1032.7 EMPLOYEE INTERVENTION PROGRAMS

Employee Intervention Programs (EIP's) are designed to provide support in a confidential and trustworthy environment, equipping and enabling our members to effectively address professional and personal challenges, thereby allowing them to better serve the community. By providing a variety of programs and levels of participation, the Department encourages personnel to access the services that best meet their individual needs. All EIP's are staffed by personnel trained in law enforcement critical incidents, stress management, and peer support.

1032.7.1 COMPANION OFFICER PROGRAM

The Companion Officer Program is designed to provide peer support to members, when they have been subjected to a traumatic incident, or when otherwise requested. Companion Officers also provide informal peer support to members dealing with the day-to-day challenges and cumulative stress of the law enforcement profession.

1032.7.2 CHAPLAIN PROGRAM

The Fresno Peace Officers Chaplaincy (FPOC) provides spiritual crisis support to law enforcement personnel and the community. FPOC may also be used for the same purpose and within the same guidelines as the Companion Officer Program.

The FPOC also provides support, counseling, and referral services from their office. Their services are provided to all Department members.

1032.8 STRUCTURED ASSISTANCE FOR VALUED EMPLOYEES (SAVE)

SAVE is a mandatory intervention program for members who are demonstrating observable difficulties dealing with traumatic events, professional challenges, or personal problems, utilizing approved mental health professionals and peer groups. The program relies on supervisors to identify potential problems before they become discipline issues. SAVE will provide alternatives and solutions for individuals through a process which ensures confidentiality.

SAVE is designed to address patterns of behavior and stress incidents before they manifest themselves into discipline. Conduct which may result in discipline shall be investigated consistent with existing policy guidelines. SAVE does not modify, alter, or change these guidelines. SAVE is not a substitute for the disciplinary process. The purpose of SAVE is to:

- (a). Provide training for first line personnel, supervisors, and staff, to identify stressful events and behavioral indicators before discipline is warranted; and
- (b). Provide resource options to assist members in dealing with challenges in both their personal life and at work.

1032.8.1 SUPERVISOR RESPONSIBILITIES

Prior to accessing SAVE, the supervisor must have attended SAVE training.

1032.8.2 SAVE REVIEW COMMITTEE

The SAVE Review Committee will consist of the following:

- (a). The Employee Services *Coordinator*, and
- (b). A *licensed mental health clinician experienced with law enforcement issues*.

1032.8.3 SAVE REVIEW COMMITTEE RESPONSIBILITIES

The SAVE Review Committee will determine whether all the information provided meets the threshold set for intervention. The committee may find that:

- (a). No intervention is warranted (supervisor notified); or
- (b). Intervention is warranted and recommend a course of action.

Licensed Mental Health Clinician Defined

For the purpose of this order, a licensed mental health clinician will be defined as a psychologist, licensed clinical social worker or a licensed marriage & family therapist. In addition to licensure, a qualified mental health clinician shall have had specific training and/or experience working with law enforcement.

1032.8.4 MANDATORY SAVE MEETING WITH A LICENSED MENTAL HEALTH CLINICIAN

After review of the information, the SAVE Review Committee may recommend the member attend stress management training and/or meet with a *licensed mental health clinician* for additional assessment. This meeting is mandatory.

1032.9 CRITICAL INCIDENT REVIEW

1032.9.1 MANDATORY CONSULTATIONS

Members involved in an Officer Involved Shooting (OIS) or other intentional use of deadly force (e.g. vehicle) are required to meet with a licensed mental health clinician before returning to full duty. These consultations will be scheduled by the Employee Services Coordinator (refer to [Procedure §310](#)).

1032.9.2 OPTIONAL CONSULTATIONS

Members involved in other critical or traumatic incidents may be required to meet with a licensed mental health clinician before returning to full duty. Situations that may reasonably warrant a meeting with a licensed mental health clinician include, but are not limited, to the following:

- *On-duty motor vehicle collisions resulting in serious injury or death to any person;*
- *Discharge of a firearm at an officer when injury results;*
- *Incident where a member causes serious injury to another person by means other than a firearm (e.g., baton, take down hold); or*
- *The member is involved in a physical confrontation in which he/she is seriously injured; or*
- *A member is involved in an incident which could be considered disturbing such as child abuse, fatal traffic collisions, life threatening disturbances, in custody deaths, or any other significant traumatic event.*

When a staff member determines that an optional consultation is appropriate, concurrence of the Administrative Services Division (ASD) Commander is required.

Critical Incident Stress Debriefings (CISD) may also be considered for the above described circumstances, subject to approval by the ASD Commander. The Employee Services Coordinator (ESC) will be responsible for coordinating CISD's approved by the ASD Commander.

1032.10 EARLY ALERT SYSTEM

The Department recognizes that careful monitoring of employee behavior is a necessary element of effective personnel management. In order to maximize the Department's ability to detect and correct

deficiencies before they become significant performance issues, an Early Alert System (EAS) has been developed.

EAS is intended to provide a means of positive, confidential, non-disciplinary intervention, primarily in the form of training and counseling to assist members with performance problems. The fact that an EAS report is generated regarding a member does not necessarily indicate a problem with that member's behavior.

1032.10.1 ADMINISTRATIVE REVIEW

When a member meets the criteria, a confidential EAS report will be prepared by the IA commander containing a synopsis of the incidents for the rolling six month period. The EAS report will be forwarded to the *ASD* Commander. The *ASD* Commander will review the totality of the circumstances (member's assignment, nature of the incidents, mitigating factors, etc.) contained in the EAS report.

If the *ASD* Commander determines the member's behavior warrants further review, he/she shall assign a tracking number to the file and remove the member's name and other references which may cause identification of the member to occur. The *ASD* Commander shall notify the EAS Committee to convene at the earliest opportunity to review the (redacted) file.

If the *ASD* Commander determines the member's behavior does not warrant further review, he/she shall notify the IA commander. The EAS report shall be given to the member for his/her retention or destruction. Should the member wish to discuss the EAS report he/she may contact the *ASD* commander, without going through his/her chain of command.

1032.10.2 EAS COMMITTEE

The EAS Committee shall be composed of a Fresno Police Officer Association (*FPOA*) representative, a Department staff representative and a third party mutually agreed upon by the Chief of Police and the *FPOA*. Committee members serve a one year term, but can be reappointed for additional terms. The committee shall meet to discuss the report's contents and the need for intervention. A majority vote is required for intervention to occur. All meetings shall be held on a confidential basis.

1032.10.3 INTERVENTION MEETING

Upon a majority vote of the committee authorizing intervention, the report shall be returned to the *ASD* Commander. The commander shall arrange for a personal meeting with the member to discuss their behavior and identify positive ways to address that behavior. The member shall be provided a copy of the EAS report prior to the meeting with the commander. Remedial training, referral to the Department's Employee Intervention Programs (*EIP*), peer counseling, and other methods which may be helpful in addressing the member's behavior will be explored. An agreed upon action plan may be prepared by the *ASD* and the member (see attached example). If a plan is developed, the plan will only be provided to the member. The Department will not maintain the plan or any written document regarding the EAS review in any file(s). The *ASD* Commander will not track the member's progress nor will punitive action result from the member's failure to follow the plan.

Once the meeting with the member occurs, the report shall be destroyed. No mention of the EAS review shall be made in a member's performance evaluation.

Fresno Police Department Policy Manual

Meal Periods and Breaks

1034.1 POLICY

Members should conform to the policies governing all Department employees that have been established by the City of Fresno and appropriate MOUs, regarding meals and breaks.

1034.1.1 PURPOSE AND SCOPE

Due to the nature of the Department's mission to provide continual law enforcement and related services to the community, the provisions to provide meal periods and breaks to all employees consistent with the laws and MOUs in place, can oftentimes be difficult or impossible. However, when possible, all accommodations will be made to make certain everyone is afforded a reasonable opportunity to exercise the right to a meal period and/or breaks.

1034.2 ON DUTY MEALS

The parameters governing hours of work are outlined in each applicable MOU, *including any* designated meal breaks. *All sworn* officers, either in uniform or in plain clothes, may take a meal break under the following conditions:

- (a). Officers must be in service and/or available by radio to respond to any call;
- (b). Generally no more than 30 minutes shall be allowed;
- (c). No more than two uniformed officers at any one time are allowed at the same restaurant; and
- (d). Members leaving their patrol units shall place themselves out "portable" via their MDS or by radio with their location.

The aforementioned provisions do not apply to personnel who are authorized in the MOU to have an uninterrupted meal breaks.

1034.3 BREAKS

Breaks apply to civilian members only and are subject to the following:

- (a). Two 15minute breaks are allowed during a shift (eight-hour or ten-hour);
- (b). One 15minute break for each four or more hours of overtime worked;
- (c). Breaks shall be scheduled by supervisors, consistent with workload, so as to minimize the disruption of service to the public;
- (d). Breaks shall not be taken in conjunction with meal breaks or accumulated for use at a later time;
- (e). Generally, breaks should be taken on the worksite;
- (f). When there is a need to exceed the designated 15minute time limitation, supervisory approval shall be obtained; and
- (g). Department vehicles shall not be utilized during breaks without prior supervisory approval.

Fresno Police Department Policy Manual

Lactation Break

1035.1 POLICY

The Department will provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child, for up to one year from the date of the child's birth (29 USC §207 and Labor Code §1030).

1035.1.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC §207 and Labor Code §§1030-1032).

1035.2 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC §207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, when feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code §1030).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Labor Code §1032). Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.2.1 REQUIRED DOCUMENTATION

Any employee desiring to take a lactation break must provide the Personnel Bureau with a note from her physician stating the employee is nursing, and in need of this accommodation. This accommodation will be valid for six months from the date of the child's birth, at which time the employee must obtain an additional note, valid for six months if she desires to continue to express breast milk during work hours. This accommodation shall not exceed 12 months from the date of the child's birth.

1035.3 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC §207 and Labor Code §1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area within their assigned district.

1035.4 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Fresno Police Department Procedures Manual

Use of Scantrons/OTTO/Days-off System

1036.1 POLICY

Department members will utilize *the Over-Time/Time-Off (OTTO) System* to account for absences, additional time, or overtime earned, according to applicable MOU's. *Members will utilize the Days-off System to account for regularly scheduled days off. When the electronic system is not functioning, Scantron forms shall be completed.*

1036.1.1 PURPOSE AND SCOPE

The purpose of *the OTTO and Days-off Systems* is to accurately document time earned or time used by Department members and to provide timely processing of this information.

1036.1.2 RESPONSIBILITY FOR COMPLETION OF OTTO ENTRIES/SCANTRONS

OTTO entries/Scantrons are submitted to the Fiscal Affairs Bureau for registering the absence, additional time, overtime earned, and any leave of absence for all members.

Days-off System entries are submitted to the Fiscal Affairs Bureau on a biweekly basis for the payment of wages.

Employees are responsible for the accurate and timely submission of *OTTO and Days-off entries, or Scantrons, when these systems are unavailable.*

1036.1.3 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. *Days-off System entries* shall be completed and submitted to the Fiscal Affairs Bureau no later than 8:00 a.m. on the *Wednesday* morning after the first day of the pay period, unless otherwise specified.

In addition, absence, overtime, and pay down *requests* shall be completed *via the OTTO System* and submitted to the Fiscal Affairs Bureau no later than 8:00 a.m. on the *Wednesday* morning before the end of the pay period, unless otherwise specified.

As a courtesy to members, the Fiscal Affairs Bureau will send out a Department-wide voice mail each pay period indicating the due dates for such period. A written schedule shall be prepared and emailed Department wide once per year with the due dates for the full calendar period.

1036.2 SUPERVISOR RESPONSIBILITY

Supervisors are responsible for ensuring that *OTTO entries* are completed by employees assigned to them no later than the first day following a return from any leave of absence.

Non-patrol supervisors or their designee shall advise their *commander* of the work status of all assigned employees including any days off, sick leave, and leaves of absence.

1036.3 DUTY OFFICE RESPONSIBILITIES

The duty office shall record all Patrol absences on the daily detail sheet. A hard copy of this detail shall be sent to the district *supervisors* daily.

1036.4 AUDITING

Commanders and managers shall periodically audit the attendance records for their personnel and submit a report to their Division Commander.

Fresno Police Department Procedures Manual

Overtime Payment Requests

1038.1 POLICY

The Department will compensate non-exempt employees who work authorized overtime either by payment of wages or by accrual of compensatory time off at the rate of time and one-half, or as otherwise specified in an applicable MOU.

In order to qualify for either, the employee must complete and submit an *overtime request via the Over-Time/Time-Off (OTTO) System* as soon as practical after overtime is worked. *When the electronic system is not functioning, Scantron forms shall be completed.*

1038.1.1 PURPOSE AND SCOPE

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility must be maintained. The purpose of this policy is to assure timely and accurate overtime compensation is achieved for employees and to provide for adequate Department staffing needs.

1038.1.2 GUIDELINES

Members are not authorized to volunteer work time to the Department. Therefore time in excess of the normal work schedule will be compensated according to this policy.

All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment with the exception of those specifically pre-designated as cash only assignments.

The maximum number of hours for compensatory time is governed by current MOU's for each classification.

1038.2 EMPLOYEES RESPONSIBILITY

Employees shall complete an *OTTO request* after working the overtime and turn it in to a supervisor for approval.

Note: Failure to submit an *OTTO request* in a timely manner may result in a delay of compensation.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the applicable MOU provides that a minimum number of hours will be paid, (e.g., two hours for court on regular duty days, three hours for automatic go and court appearances on regular days off, etc.). The supervisor shall confirm the actual time worked.

(Refer to Procedure §1036 Use of Scantrons/*OTTO/Days-Off System*)

Fresno Police Department Policy Manual

Extra Duty & Off-Duty Employment

1040.1 POLICY

Departmental employees engaging in outside employment, who hold full time permanent positions, shall obtain an approved City of Fresno work permit through the Personnel Section prior to engaging in any outside employment. These provisions do not apply to policing Special Events or Contract Law Enforcement Services (CLES).

1040.1.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest, approval of outside employment shall be at the discretion of the Chief of Police or his/her designee in accordance with the provisions of Fresno Municipal Code §3-102(b) and this policy.

1040.1.2 DEFINITIONS

Outside Employment - Wages, compensation or other consideration of value from another employer, organization, or individual not affiliated directly with this Department for services, product(s) or benefits rendered.

For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Department for services, product(s) or benefits rendered.

1040.1.3 WORK HOUR LIMITS

The work hour limits prescribed in the below sections shall not apply during an emergency situation as declared by the Chief of Police, or his/her designee. Members shall track their work hours to ensure that they do not exceed limits established herein.

Daily Limit – Members are limited to 15 continuous work hours of all types or 15 accrued hours within a 24-hour period. When 15 continuous work hours have been accumulated, and members are off duty, work for compensation shall not resume for at least eight hours. Exception: Calls for service and mandatory court appearances shall be completed even though the 15-hour limit may be exceeded.

Weekly Limit – Members are limited to an accrued total of 70 work hours, including mandatory court appearances, within a workweek. Of the 70 total work hours, members are not to exceed 16 hours of outside employment (pursuant to Fresno City Council Resolution 93-323). Additionally, members shall have at least one non-work day during each workweek.

Discredit & Fatigue – Members are prohibited from accepting employment or engaging in any occupation or business which reflects discredit on the member or the Department, or which employment, occupation, or business causes criticism of the member or the Department, or where the activity affects the physical condition of the member in the performance of his/her regular duties by reason of fatigue or other detrimental condition. The number of hours worked per week shall not exceed the hours approved on the work permit.

Working While on Leave – Members are prohibited from engaging in any off duty work [including Order Back, AWS, Contract Law Enforcement Services (CLES), etc.] or activity for which they are compensated or derive personal gain when they are:

- On sick leave (including Special Sick);
- On Family Sick/Family Care Leave pursuant to FMLA or CFRA
- On injury leave or receiving temporary disability payments; or
- On leave without pay for illness or injury.

Note: Members on Family Sick/Family Care Leave pursuant to FMLA, may not work extra duty assignments (i.e. Order Back, AWS, CLES, etc.). Exceptions to this rule require prior approval by the member's division commander.

Members on leave without pay may be permitted to engage in outside employment with the approval of the City Manager. Outside employment may not conflict with restrictions placed on the member, which prevent participation in regular duties.

1040.2 OBTAINING APPROVAL

No employee of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police or his/her designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

Probationary employees and recruits cannot be issued work permits, nor shall they engage in any off-duty work during their probationary period. This does not prohibit officers and recruits from performing their normal duties by working extra for the Department on an overtime basis.

Applications for work permits are available from the Personnel Section. Completed applications shall be returned to the Personnel Section for approval and forwarding to the City Human Resources Division. Work permits are not valid until all required signatures have been obtained.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial [Penal Code §70(e)(3)].

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Work Permit application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in his/her current Memorandum of Understanding (MOU).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any work permit may be revoked or suspended under the following circumstances:

- (a) When an employee's performance at this Department declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police or his/her designee may, at his or her discretion, revoke any previously approved work permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the work permit;
- (b) Suspension or revocation of a previously approved work permit may be included as a term or condition of sustained discipline;
- (c) If, at any time during the term of a valid work permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked; or
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved work permit may be rescinded until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code §1126, the Department expressly reserves the right to deny any Work Permit application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of Departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage;

- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Department;
- (c) Involves the performance of an act in other than the employee's capacity as a member of this Department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Department; or
- (d) Involves time demands that would render performance of the employee's duties for this Department less efficient

1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Consistent with the provisions of Penal Code §70, and because it would further create a potential conflict of interest, no member of this Department may engage in any outside employment as a private security guard, private investigator or other similar private security position.

1040.4 CITY RESOURCES

Employees are prohibited from using any City equipment or resources in the course of or for the benefit of any outside employment.

1040.5 TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police or his/her designee through his/her chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

1040.6 CONTRACT LAW ENFORCEMENT SERVICES

Pursuant to Fresno Municipal Code §§3-122(b) and (c), citizens may request uniformed police services for law enforcement, traffic safety, or crowd control purposes.

Staff Officers and sergeants shall not work in place of an officer for purposes of delivering contract law enforcement services.

Ride-a-longs are prohibited.

1040.6.1 OFFICER RESPONSIBILITIES

Officers performing supplemental law enforcement services during contracted assignments are responsible for enforcement of laws and not enforcement of rules established solely by the employer unless specifically authorized by the Chief of Police or his/her designee (e.g., The Big Fresno Fair, etc.). Prohibited activities may include:

- (a) Permitting unauthorized entrance to any person(s);
- (b) Taking tickets; and
- (c) Ejecting patrons only on the employer's request (absent a criminal violation).

Absent the aforementioned authorization, members shall not perform any duties outside of enforcing the law or providing those services that are normally performed by on-duty officers. The same regulations and procedures that apply to officers working patrol assignments shall apply to contractual work arrangements.

Fresno Police Department Policy Manual

Injured Employees/Modified Duty Assignments

1042.1 POLICY

All work related injuries must be reported to the member's supervisor and a claim form shall be provided to the injured member within 24 hours from the time the injury was discovered.

1042.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure proper medical attention/reporting is received for on-duty injuries or deaths, along with documentation describing circumstances of the incident.

Documentation shall be completed to ensure compliance with Workers' Compensation Fund and Risk Management requirements.

1042.2 FAILURE TO COMPLY

Labor Code §5400 makes failure to comply with the 24 hour reporting procedure a misdemeanor. Additionally, disciplinary action may be taken for a member's failure to comply with this policy.

1042.3 DEFINITIONS

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

Temporarily Disabled - Refers to any member who is incapacitated and unable to perform his/her regular duties for more than one week (e.g., 40 hours of work), due to an on-duty or off-duty injury or illness.

1042.4 TEMPORARILY DISABLED PERSONNEL

When an employee is temporarily disabled, the Workers' Compensation Coordinator is responsible for tracking the member's recovery progress to ensure appointments and necessary documents are completed in a timely manner. The Workers' Compensation Coordinator will retain such responsibilities until the employee returns to full duty or it is determined by a medical professional that the employee is permanently unable to return to full duty.

1042.4.1 TEMPORARY MODIFIED DUTY ASSIGNMENTS

The Department may offer temporary modified duty assignments to employees who are unable to perform their usual and customary duties. All temporary modified duty assignments will be made by the Personnel Section, *or as otherwise directed by the Chief of Police*.

1042.5 BUREAU/DISTRICT/SECTION COMMANDER/MANAGER RESPONSIBILITY

It is the responsibility of the temporarily disabled employee's Bureau/District/Section Commander/Manager (or designee) to maintain weekly contact with said employee and determine any changes to his/her status. Any changes or updates to the employee's status shall be brought to the attention of the Workers' Compensation Coordinator.

Once determined by a medical professional that an employee is permanently unable to return to full duty, he/she will be removed from any assigned duty. The Personnel Section Commander will be responsible for placing the employee on injury leave, *with concurrence from the Chief of Police or his designee*, through the Fiscal Affairs Bureau, pending his/her retirement, resignation, or termination. The employee should use leave time to process his/her retirement.

1042.6 DIVISION COMMANDER RESPONSIBILITY

Temporarily disabled personnel may be assigned other temporary modified duty assignments to meet the needs of the Department. Division Commanders seeking a change to a temporary modified duty assignment will contact the Chief of Police for concurrence with the proposed change. Following this decision, the Division Commander will advise the Personnel Section of the change. The Personnel Section will notify the affected personnel of the change in assignment within 24 hours to allow for changes to the detail and/or work schedule.

Fresno Police Department Procedures Manual

Personal Appearance Standards

1044.1 POLICY

Members of this Department shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

PURPOSE AND SCOPE

Unless otherwise stated, the following appearance standards shall apply to all members, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2 GROOMING STANDARDS

Members shall present a neat, professional and businesslike appearance whether in uniform or plainclothes.

Civilian members shall conform to the same standards as sworn members except that provisions regarding easy handholds for hair length do not apply.

Members assigned to a special unit or detail, while in an undercover capacity may, with their commander's permission, be exempted from this policy section on a case-by-case basis for the duration of the undercover assignment.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance.

Hair shall be well trimmed so as not to present a ragged or unkempt appearance. Hair shall not be so long as to interfere with the wearing of the helmet or cap, or provide an easy handhold. Hair may be worn in keeping with contemporary styles, but not in an extreme or unsightly fashion.

1044.2.2 MUSTACHES

Facial hair shall be restricted to the wearing of a mustache. Mustaches shall be neatly trimmed. Mustaches shall not protrude below the upper lip at any given point along the upper lip. The ends of the mustache shall not extend past the bottom of the lower lip.

Exception: Handlebar mustaches shall be permitted as long as the ends of the mustache are kept above the level of the lower lip. Handlebar mustaches shall be moderate in length. No extreme styles or variations are allowed.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his/her designee.

1044.2.5 UNIFORMS

Uniforms shall be neat, clean, and in good repair. Uniforms shall not be faded.

Members are personally responsible for maintaining their uniforms in this condition. "Leather" items shall be polished regularly, and shall not appear scuffed or dull in finish.

(Refer to Policy Manual §1046).

1044.2.6 JEWELRY AND ACCESSORIES

Jewelry may be worn by members. It will not be gaudy, extreme or excessive, and be in good taste.

No more than one ring may be worn on each hand.

Jewelry shall not be attached to the uniform.

While in uniform, earrings will be limited to a single stud pierced earring worn in each lobe of a female's ear. Male members shall not wear earrings.

Appeals Process

Members wishing to wear jewelry that may conflict with this order shall request an appeal, through their immediate supervisor, to the Tattoo Review Committee according to 1044.3.

1044.2.7 BODY PIERCING

No body piercing shall be visible while any employee is on duty or officially representing the Department, except as provided for in 1044.2.6.

1044.2.8 BODY IMPLANTS, DERMAL PUNCHING, DENTAL ORNAMENTATION, BODY ART, and SCARIFICATION

Members shall not display any visible intentional scarring, mutilation, brandings, dermal punching, body implants or dental ornamentation while on duty or officially representing the Department. All items in this section shall be completely covered by wearing an approved uniform, appropriate non-uniform clothing, a plain neutral skin patch or plain neutral skin bandage (e.g., ace bandage or Band-Aid type bandage) while maintaining a professional appearance.

- Body implants are generally objects inserted beneath the skin of the hands, arms, head, face, neck, upper chest or ears resulting in a visible protrusion of the skin outlining the object for other than reconstructive purposes.
- Dermal punching is the removal of tissue for the insertion of jewelry or other objects; or for the creation of visible holes larger than a standard piercing.
- Dental ornamentation includes the affixing to the teeth of gold, platinum, or other veneers or caps used for decorative purposes. Dental ornamentation does not include braces for orthodontic reasons, veneers, or other fillings/methods used to repair a cavity or damaged teeth.
- Body art includes any markings added intentionally and that are visible such as temporary henna ink markings, Indian ink markings, or other similarly applied markings that may resemble a tattoo.
- Scarification means any intentional scarring that is similar to tattoos in that the scarring shows letters, patterns or other recognizable figures. This will also include intentional mutilation such as a split or forked tongue or stretched out holes in the ears.

1044.2.9 TATTOOS

Department members are prohibited from displaying any tattoos while on duty or representing the Department in any official capacity. Members with visible tattoos shall have the following options:

- On duty personnel shall cover all tattoos by wearing a long sleeve shirt and /or pants; or
- Cover the tattoo with a solid black full, half, or ¼ tattoo cover-up sleeve (no logos).
 - Cover-up sleeve must originate under the shirt sleeve; no skin shall be exposed between the cover-up sleeve and the shirt sleeve.
 - Forearm tattoos must be covered with either a full cover-up sleeve or bandage. The bandage shall be no larger than 3" x 4" and limited to one bandage per arm. ; or
- Have the tattoos removed at the member's expense; or
- Have the tattoo exempted by the tattoo review committee.

1044.3 TATTOO REVIEW COMMITTEE

Prior to November 1, 2008, a tattoo review committee will be formed. The purpose of the committee is to review, on a case-by-case basis, the tattoos of any employee seeking an exemption from the above described policy requiring all visible tattoos to be covered while on duty or when representing the Department in any official capacity. The committee will meet at the direction of the committee chair. The committee shall serve at the discretion of the Chief, who retains final control over the appearance of the members of the Department.

The tattoo review committee will be comprised of five Department members. The Fresno Police Officers' Association will appoint one member to the committee. The Fresno City Employees Association will appoint one member to the committee. The Chief of Police will appoint three members to the committee, including the Committee Chair.

1044.4 SUPERVISOR DISCRETION & CONTROL

It shall be the responsibility of supervisors to monitor the appearance of members under their command to ensure that they present a professional appearance, in keeping with accepted standards throughout the Department and the professional community.

Superiors shall instruct their subordinates to maintain these standards. Supervisors may require members under their command to conform to more stringent standards than those described herein when it is necessary to promote acceptance by a particular portion of the public served by a particular unit, but shall not impose more stringent requirements based solely on personal preferences.

Fresno Police Department Policy Manual

Uniform Regulations

1046.1 POLICY

The uniform policy of the Fresno Police Department is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of Department uniforms.

1046.1.1 PURPOSE AND SCOPE

Police members wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

Members should also refer to the following associated Policy Manual sections:

- §700 Department Owned and Personal Property;
- §701 Department Issued and Optional Equipment; and
- §1044 Grooming Standards.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

The designation of members and/or units that are to be in uniform shall be made by the Chief of Police or his/her designee.

- (a) All members of this Department authorized to wear a uniform shall possess and maintain a serviceable uniform and the necessary equipment to perform uniformed field duty at all times.
- (b) All members of this Department authorized to wear a uniform shall be provided with a complete uniform specifications list during initial orientation.

1046.2.1 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Members may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform Specification List or by the Chief of Police or designee.

Members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in Policy & Procedure 701, Department Issued and Optional Equipment, or by the Chief of Police or designee.

1046.2.2 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Members of the Fresno Police Department may not wear any part of the uniform, be photographed wearing any part of the uniform, or identify himself/herself as a member of the Fresno Police Department to do any of the following (Government Code §§3206 and 3302):

- Endorse, support, oppose, or contradict any political campaign or initiative;
- Endorse, support, oppose, or contradict any social issue, cause, or religion; or
- Endorse, support, or oppose, any product, service, company or other commercial entity.

1046.2.3 PUBLIC FORUMS

Male members required to attend public forums shall wear a business suit, or sport coat with slacks, and tie. Female members shall wear professional clothing of modest style when attending public forums. Uniformed members shall wear a tie with a tie bar and a long sleeve shirt.

1046.2.4 CONCEALMENT OF EQUIPMENT

When outside of Department facilities, non-uniformed sworn members *may wear their handgun in a visible manner when they prominently display their badge in a manner that readily identifies the member as a police officer.* Otherwise, members shall wear attire that will conceal equipment such as handcuffs and firearms.

Community Service Officers

1047.1 POLICY

Community Service Officers will perform assignments which involve responsible public contact work in crime prevention and the delivery of non-emergency police services as assigned.

1047.1.1 PURPOSE AND SCOPE

CSO's work under direct supervision, performing a variety of non-emergency police services in support of the division they are assigned within the Department.

1047.2 SAFETY ISSUES

Although screening of calls shall be performed prior to assignment of a CSO, the CSO assigned shall be alert to potential hazards. When upon arrival at a call, or during the investigation of an incident, the CSO becomes aware of a potentially hazardous situation or the actual nature of the incident is found to be other than one specified for a CSO to handle, the CSO shall immediately request an officer to respond, via radio. The CSO shall take whatever steps necessary to protect him/herself including leaving the immediate area of the call.

1047.3 CSO UNIFORMS

CSO assigned to positions in the Patrol Division shall be in uniform. The bureau commander/manager has the discretion to allow a CSO to wear plainclothes due to the variation of a duty assignment or need for the day.

(See Policy Manual § 1046 for uniform guidelines.)

These uniform regulations will be strictly adhered to.

Police Cadets

1048.1 POLICY

The Cadet Program (Cadet 1 & 2) is a four-year maximum position and is used to prepare individuals for a career in law enforcement, as such, cadets shall be held to the same standards of conduct as a regular police officer established in the Policy Manual.

1048.1.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1048.2 POLICE CADET PROGRAM

The authority to appoint qualified persons to the position of police cadet is vested in the Chief of Police. Cadets progress through a two-stage program; Police Cadet 1 and Police Cadet 2 (which includes police academy training).

Police cadets are prohibited from having ride-alongs.

1048.2.1 POLICE CADET I

A Police Cadet 1 is a non-sworn public officer who assists police personnel in non-hazardous duties.

1048.2.2 POLICE CADET II

A Police Cadet II is a non-sworn, public officer who is assigned to the police academy or has successfully completed a California Law Enforcement Basic Academy approved by the Commission on Peace Officer Standards and Training.

1048.3 SAFETY ISSUES

Although screening of calls shall be performed prior to the assignment of a police cadet, the cadet assigned shall be alert to potential hazards.

During transport, a Police Cadet II may use physical force to prevent an escape, overcome resistance, or to defend himself/herself and others from injury. (See Policy Manual § 300, Use of Force).

Police Cadet II's are allowed to possess firearms only while engaged in specific duties as outlined in Policy Manual § 312.

1048.4 CADET COORDINATOR

The Cadet Coordinator will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department.

1048.5 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Police Cadet Program Manual. In addition to job-specific training, information will be offered to prepare cadets to compete successfully for assignment to the Police Academy.

Fresno Police Department

Policy Manual

Police Cadets

All training will focus on improving job performance, as well as preparation to become police officers.

1048.6 CADET UNIFORMS

Police cadet assignments will require a cadet uniform, unless specific permission is given to wear plainclothes, from the Commander or Manager of the cadet's area of assignment. (See Policy Manual § 1046 for uniform guidelines.)

These uniform regulations will be strictly adhered to.

1048.7 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur every six to eight months, to enhance the career development for each cadet, as determined by the Cadet Coordinator. Department needs and concerns will take precedence over individual considerations.

1048.8 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor

1048.9 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed by the cadet's immediate supervisor every three months (quarterly).

Fresno Police Department Policy Manual

Conflicting Relationships

1050.1 POLICY

All members shall avoid situations which give rise to an actual or apparent conflict of interest between their professional responsibilities and their relationships with other members.

1050.1.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of the Department.

1050.2 DEFINITIONS

Relative – A member's *"relative by blood or marriage within the third degree" includes parents, children, siblings, grandparents, grandchildren, uncles/aunts, nieces/nephews, first cousins, great grandparents, and great grandchildren, as well as the spouses or domestic partners of each.*

Personal Relationship – Includes marriage, dating, cohabitating, or any other intimate relationship beyond mere friendship.

Business Relationship – Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department member's annual interest, compensation, investment, or obligation is greater than \$250.

Conflict of Interest – Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department member's action, inaction, or decisions are or may be influenced by the member's personal or business relationship.

Supervisor – A member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate member.

Subordinate – A member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1050.3 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between members, the following reasonable restrictions shall apply [Government Code §12940(a)]:

- (a) Members are prohibited from directly supervising, or being directly supervised by, any other member who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved member to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department however, reserves the right to transfer or reassign any member to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative, or with whom they are involved in a personal or business relationship.

- (c) Police Training Officer's (PTO's) will not be assigned to train relatives, members with whom they have (or had) a personal relationship, and/ or members with whom they have a business relationship.

Members who are relatives or otherwise involved in a personal relationship, should not be assigned to work together in a specific unit or team. When they are assigned within the same Bureau, District, or shift, they shall not be assigned together as a double-unit.

1050.3.1 MEMBERS RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the member knows or reasonably should know could create a conflict of interest or other violation of this policy, members shall promptly notify his/her uninformed, immediate supervisor.

Whenever any member is placed in circumstances which would require the member to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the member is involved in a personal or business relationship, the member shall promptly notify his/her uninformed, immediate supervisor.

1050.3.2 SUPERVISORS RESPONSIBILITY

Upon being notified of or becoming aware of any circumstance which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to resolve the conflict. Supervisors shall also promptly notify their division commander of such actual or potential violations through the chain of command.

1050.3.3 AUTHORITY TO TRANSFER

Division Commanders, or their designee, shall have the authority to transfer involved members should their relationship impair their ability to do their job, or involve potential conflicts of interest. In the case of any such transfer the Department will, to the extent reasonably possible, attempt to accommodate the affected members by maintaining their respective workdays and assigned hours.

Fresno Police Department Policy Manual

Department Use of Social Media

1058.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for social media uses for the Fresno Police Department. Social media sites and applications are primarily mobile and Internet based tools for information sharing and discussion and used to reach constituents to not only disburse, but also receive information and requests. Social media combines social interaction with technology which can integrate text, audio, video and graphics or pictures. Examples of such systems are Facebook, Twitter, MySpace, weblogs, texting as well as real-time web communications such as instant messaging.

1058.1.1 APPLICABILITY

This policy applies to any member or agent of the Fresno Police Department who utilizes social media sites, tools or technology in an administrative capacity or as an agency representative. This includes all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY

Any Department member or its agent authorized to post information on any Department or City social media site shall use caution to ensure the information is true, timely, and accurate, prior to posting to any social media site. Under no circumstances shall confidential information be posted on any social media site. Refer to [Policy §346](#) for scope of release as well as restricted information.

1058.3 DEPARTMENT PROPERTY

Any information that is posted on a Fresno Police Department sanctioned social media site and/or is posted by a Department member via a City network, email or other electronic account is considered the property of the Department. All use of social media and information is governed by applicable state and federal laws and regulations as well as any usage policies and administrative orders by the City of Fresno. This includes any copyright and records retention laws. It should be noted that any information that is posted on any social media site by a Department member utilizing City Information Systems and/or accounts are subject to be discovered as governed by the Freedom of Information Act (FOIA) and the Public Records Act (PRA) which can be disclosed via a PRA request.

1058.3.1 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace). Any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice. Members should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

1058.3.2 DEPARTMENT MAINTAINED SOCIAL MEDIA SITES/PAGES

All Department maintained social media sites or pages shall be approved by the Chief of Police or his/her designee and shall be administered by the Departmental Public Information Officer (PIO).

General guidelines:

- 1. Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed;*
- 2. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies;*

- a. Content is subject to public records laws. Relevant records retention schedules apply to social media content; and
 - b. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
3. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department;
 - a. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks; and
 - b. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

When using social media, members should be mindful that their post becomes part of the worldwide electronic domain. Therefore, adherence to the Department's code of conduct is required in the use of social media. In order to meet the Department's safety, performance and public-trust needs, the following are prohibited:

1. *Posts containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals;*
2. *Posts involving themselves or other Department members reflecting behavior that would reasonably be considered reckless or irresponsible; and*
3. *Posts containing any confidential information.*